

# Las Siete Partidas



*VOLUME TWO*

MEDIEVAL GOVERNMENT:  
THE WORLD OF  
KINGS AND WARRIORS

*TRANSLATED BY* Samuel Parsons Scott  
*EDITED BY* Robert I. Burns, S.J.

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Volume 2:  
Medieval Government





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# *LAS SIETE PARTIDAS*

## VOLUME 2: MEDIEVAL GOVERNMENT

*The World of Kings and Warriors*

Translated by Samuel Parsons Scott

Edited by Robert I. Burns, S. J.

PENN

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## INTRODUCTION TO THE SECOND *PARTIDA*

King Alfonso the Learned, “the Castilian Justinian,” started his immense systematic code or legal vision with a book on God and godly matters. Major functions of kingship in his day included the duty to aid toward his people’s salvation and morals, to monitor church and clergy, to provide and protect ecclesiastical resources, and to encourage religion. Kingship came from God, and the king’s vocation as God’s vizier in temporalities embraced religious attitudes and obligations. As for ecclesiastical and spiritual realities, much of the mechanics of church administration, articles of faith, and sacramental life had been newly clarified and amplified by the great Fourth Lateran Council of Christendom, around whose decrees Alfonso could weave the large volume that constituted the first *partida*.

That task accomplished, the king takes up in the next *partida* three allied foundations of the earthly kingdom: governance and the role of a king, defense and the art of war, and higher education as a central resource and sacral binding of governance. Alfonso devotes 31 titles or chapters, containing 356 laws or essays, to these interlinked topics. In the present translation, these units convert to some 264 dense pages on king and country, 108 on war and warriors, and 10 on schools, making a considerable book in itself. This is not a treatise on the state, politics, or kingship. Alfonso concentrates instead on the mechanics of attitude and behavior and on the nuts and bolts of institutions. Theory does underlie this section, as he draws upon Aristotle, the Bible, Roman authors, Augustine, Isidore of Seville, Pope Gregory the Great, customary *fuero* and Visigothic law, and especially Roman law. Joseph O’Callaghan has noted Alfonso’s debt in this second *partida* to the *Disciplina clericalis* of Petrus Alfonsi and to such works as the *Poridad de poridades* and the *Bocados de oro*. The king’s passion throughout for definition, divisions, categories, and distinctions marks this and the other books of the *Partidas* as a medieval enterprise.

José Luis Bermejo Cabrero argues that the king is combining in this *partida* two literary tractates, on politics and on military matters, clumsily confecting one legal structure, which inevitably retained much of its previous literary form. Against this sense of discontinuity and ambiguous structure, however, stands the logical connection of all three themes within this *partida*, as well as the literary tone of all the *partidas* so that they seem essays as much as laws. It is significant that as many literary scholars as jurists study them. Law codes tend to be derivative and conservative, so the search for antecedents incorporated must continue; but unity of style and perspective marks Alfonso’s whole code.<sup>1</sup>

Alfonso’s literary genre here is the law code, so he does not attempt a philosophical “Mirror of Princes” tractate as did his contemporary Thomas Aquinas with Ptolemy of Lucca in the *De regno* (1271 or later), Giles of Rome in the *De regimine principum* (1280) and John of Salisbury in his earlier *Policraticus* (1159). Alfonso nevertheless conveys an ideology of kingship, a picture of the imperial and centralizing king, whose legislative will and sacred person command loyalty. Like the historical chronicles Alfonso promoted, his law code comprises “a new mythography” of royal

1. José Luis Bermejo Cabrero, “Notas sobre la segunda *Partida*,” in *VII Centenario del Infante don Fernando de la Cerda* (Ciudad Real: Instituto de Estudios Manchegos, 1976), 265–71. Cf. Jerry R. Craddock, *The Legislative Works of Alfonso X, el Sabio: A Critical Bibliography*, Research Bibliographies and Checklists 45 (London: Grant and Cutler, 1986), no. C696.

power. Roberto González-Casanovas has studied Alfonso's use of "courtly rhetoric" in his law codes "to articulate, exemplify, and interpret the ideals of royal order and service," laying a foundation for "a secular model of the Christian state," with the king embodying "temporal power, aristocratic duty," and the nation itself.<sup>2</sup>

In his study of Alfonso's theory of governance, Joseph O'Callaghan notes how Alfonso moves away from feudal models to the Aristotelian concept of a "body politic" with the king as controlling head and his subjects as members. The state becomes "the corporate unity of all the people" of a specific territory, around their ruler. Significantly the state emerges from man's "nature," a word Alfonso is fond of, rather than from the Augustinian necessity for control after original sin had deformed man. Alfonso did not believe in religious coronation and anointing of kings after the fashion of England and France, nor in interference by the church in his sphere of "temporal matters," nor in the mystagogical healing power of the king's hands, nor in "the near priestly character" of the northern kings. He also asserted the contemporary principle that "the king is emperor in his own kingdom," claiming for himself any powers an emperor might have and more. And he insisted on another principle, that kings "do not have superiors in temporal affairs." Alfonso had been elected Holy Roman Emperor in 1257, so his *Partidas* has much to say on that office. The king's power was not unlimited or willful, however, but rather constitutional, since he was bound before God to respect the Natural Law, divine law, reason, the common good, and the many obligations and duties of kingship. The king could make laws, as indeed Alfonso was doing extensively in the *Partidas*, but "kings especially must obey the laws"; they should be the first to obey their own laws.<sup>3</sup>

## HOW TO BE A KING

In the second *partida*, Alfonso's first eleven titles focus on how to be a king; the next nine cover the corresponding theme of how to be a subject people. Alfonso devotes much space to the king's demeanor. He must "watch his mouth," speak with sensible restraint, and avoid boasts, flattery, and insults. A good king is not greedy and does not desire what he cannot accomplish. He eats only "when he has an appetite" and then only healthful foods "clean and well-cooked." He is "greatly on his guard" against immoderate drinking of wine, which loosens the tongue, invites diseases, and "enfeebles the brain." He eschews "low and unsuitable women" and realizes also that womanizing destroys both soul and body. He is "very correct while walking as well as standing, also while sitting and riding," and even "when he lies down." A king neither loiters nor rushes, does not nervously move about or stiffly hold one position; he avoids "standing long" or even "appearing very straight or very bent." He must not oversleep or sprawl in bed. In conversation he is aware of "his mouth, his head, and his hands,"

2. González-Casanovas, "Courtly Rhetoric as a Political and Social Code in Alfonso X: The Prologues to the *Espéculo* and the *Siete Partidas*," in *Medieval Iberia: Essays on the History and Literature of Medieval Spain*, ed. Donald Kagay and Joseph Snow (New York: Peter Lang, 1997), 129–30. The "mythography" quote is from his "Cultural Politics in Castilian and Catalan Chronicles of the Reconquest," in *Essays in Honor of Josep M. Solà-Solà: Linguistic and Literary Relations of Catalan and Castilian*, ed. Suzanne Hintz (New York: Peter Lang, 1996), 143–44. Two unpublished doctoral dissertations are pertinent here: Donald L. Brehm, "Monarchy in the Political Thought of Alfonso X el Sabio of Castile, 1252–1284" (St. Louis University, 1968) and Robert A. MacDonald, "Kingship in Medieval Spain: Alfonso X of Castile" (University of Wisconsin at Madison, 1958). On these see Craddock, *Legislative Works*, respectively C120, C424. Alfonso did attempt a didactic mirror for princes in his more private *Setenario* (Joseph O'Callaghan, *The Learned King: The Reign of Alfonso X of Castile* [Philadelphia: University of Pennsylvania Press, 1993], 135–36). For O'Callaghan on Alfonso's sources see his chapter in the General Introduction in Volume 1 of this edition.

3. Joseph O'Callaghan, "The Ideology of Government in the Reign of Alfonso X of Castile," *Exemplaria hispanica* 1 (1991–92): 1–17. See also his *Learned King*, chap. 2, "The Ideology of Government."



showing himself thus an example to his people, and governing himself before he attempts to govern others.

Besides presenting a properly iconic but relaxed demeanor, a king must “dress with great elegance.” An echo of Castile’s sumptuary laws, controlling and restricting the role of fashion in society, may be noted here. The king must be patient and gentle, of course, not inflaming his blood and falling into vexation. Though this didactic *imago principis* seems to belong to a different genre than a law code, Alfonso obviously saw the image as central to the practicalities of governing. Kingly bearing, manners, and behavior are part of the structure of state. Several realistic portraits of King Alfonso survive in his *Cantigas* miniatures; the *Partidas* admonitions help flesh out and recover such visual presentations.

Surface deportment is only a beginning; kingly activity is equally important. A king “should be eager to learn” the various branches of knowledge; his reading will bring “many good habits and examples” and the wisdom of the past. He must also “read” the characters of individuals. A king needs to “know how to ride well and how to make use of all kinds of arms” as well as armor, becoming “very dexterous” with lance, sword, club, bow, and crossbow, knowing how “to mount quickly,” to swim, and (for vigorous health) to hunt “birds and wild beasts.” Recreation can include “listening to songs and musical instruments,” playing games such as chess and draughts, and reading “histories, romances” and other light books. Obsessive recreation and excess joy however, translate “into a kind of insanity.”

A special title considers the king’s wife: her qualities, maintenance, protection, and her loving care of him. A much longer title containing thirteen essays treats of all aspects of child care and parenting, to make the children “refined and pure in character.” Both king and queen are principal hands-on educators, with “affection” and “kindness” and without “derision and violence.” Tutors should monitor “the children’s eating, their drinking, their repose, and their demeanor.” Boys must learn “to eat and drink in a cleanly and polite manner” with “good breeding,” never grabbing a morsel “with all five fingers” or chewing “with the entire mouth.” They are to wash their hands before and after eating, and use napkins (instead of their clothes “like some people”). They “should not talk much while eating,” or huddle protectively over their plates (“great ill-breeding”) or risk tumors and other diseases by too much wine (which “injuries the head, weakens the sight,” and causes drowsiness, bad dreams, lasciviousness, head colds, and even addiction). One essay counsels about the tone, pacing, and content of a young prince’s speech; another recommends a “graceful” walk (no foot dragging or stooping), “fine and very elegant clothing” according to the season, and the best horse furniture. Boys “are to read and write, for this is of great benefit,” and should “be merry without going to extremes”; sadness “interferes with the growth of boys.”

When older, of course, youths must learn to ride, hunt, “play all kinds of games,” and use every kind of weapon. Two essays concentrate on the king’s daughters, whose governesses and companions must be most carefully chosen, since domestic example is dominant in women’s training. As soon as possible daughters should learn to read, and the mother must “make them very well-bred in eating, drinking, and talking and in behavior and dress,” skilled in the duties of noble ladies. Domesticity and the role of women and relatives are touched on only slightly since the focus is on the king, his heir, and the country’s consequent governance as issuing from their character and breeding.<sup>4</sup>

4. On the dynamics of Alfonso’s own family and children, see O’Callaghan, *Learned King*, chap. 1. And see the unusual study of how family was then “experienced,” Roger Sablonier, “The Aragonese Royal Family Around 1300,” in

## OFFICIALS OF COURT AND REALM

In more traditional perspective, Alfonso now devotes a long title containing thirty laws or essays to governmental offices and to their incumbents. The list is not exhaustive. The essential structure of a royal court does stand clear, however, and further figures will appear in later *partidas*. This is not a treatment of royal governance or administration. Alfonso and his father had enormously increased the size of the double Castile-León kingdom by conquest of the Islamic south and had introduced administrative innovations there. Alfonso was also skillfully conducting a complex older kingdom, with its levels of nobiliary control, municipalities, and parliament. In this *partida* the king's perspective and focus are very different—the persona of the king; his qualities, prerogatives, and duties; the qualities and character of those chosen to serve his court; and the level of the mutual relationship between king and subjects.

Most of the offices discussed are a complex of main officials, administrative supervisors, and assistants. Alfonso is concerned with the central official in each case; he prefers candidates who are intelligent and especially loyal, stable owners of property, of a middling class so as to be vulnerable to reward and punishment. The chaplain, an educated and honorable prelate, travels with his parishioner the king and instructs and confesses him. The chancellor, of “good memory” and “elegant manners,” mediates between subjects and king; his Latin and Castilian rhetoric must be equal to his task as custodian of all state documents sealed and issued from the royal chancery. Counselors should be experienced, prudent, and intimate with the king; other noblemen “adorn” the court, advise, and serve the kingdom. The court notaries keep “acts of each year” in their registers. Reticent and “shrewd” secretaries “record grants and decrees” from the “memoranda” minutes. Bodyguards are “quiet, neat, and civil in speech” as well as intelligent and strong; they protect the king with their lives. Court physicians, skilled and clear minded, must include preventive medicine in their services. The kitchen staff, including cooks, should be “neat and clean.” The butler cares for the utensils and apparatus connected with food, carves the meat at table, and is responsible for private items.

The chamberlain has charge of chests, clothing, papers and other materials in the king's private chamber. Stewards (“well informed”) buy provisions. Doorkeepers “of good address and polite speech” control access to the king, admitting and announcing people as well as issuing legal summonses and handing over castles or other property allotted. The usher travels a day's journey in advance of the king's household, to arrange and assign quarters. The standard-bearer or king's champion nobly leads the armies, holding the royal banner when the king is present in battle and exercising military justice among the higher ranks. The majordomo (seneschal or chief steward) keeps all the accounts and oversees the expenses of all other household offices; he also audits all taxes of the crown “both from sea and land.”

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*Interest and Emotion: Essays on the Study of Family and Kinship*, ed. Hans Medick and David Sabean (Cambridge: Cambridge University Press, 1984), 210–39. Richard Kinkade has a book in progress on Alfonso, his wife, and his five brothers in their complex linkage, “*Brothers Offended: Family Feuds and Fraternal Rivalry in the Reign of Alfonso X*.” Kinkade also has a long study on Alfonso's wife, “Violante of Aragón (1236?–1300?): An Historical Overview,” *Exemplaria hispanica* 2 (1992–93): 1–37. On kingly manners see Jean-Louis Hague Roma and Patricia Zambrana Moral, “Banquets et manières de la table de roi dans le droit des *Siete Partidas*,” in *Banquets et manières de table au moyen âge* (Aix-en-Provence: Centre Universitaire d'Études et de Recherches Médiévales, 1996), 55–67. See too Antonio García Solalinde, “Una fuente de las *Partidas*: la *Disciplina clericalis* de Pedro Alfonso,” *Hispanic Review* 2 (1934): 241–42; cf. Craddock, *Legislative Works*, C639. On child rearing see also the Introduction to the Fourth *Partida*, in Volume 4 of this edition and Thomas Burman, “The Rearing of Children in the *Siete partidas* of Alfonso X,” *Scintilla* 5 (1988): 41–70.

Impartial royal judges hear cases and appeals, while a superior judge acts as ombudsman in special appeals. A justiciar or *alguazil* serves processes, arrests evil-doers, confines prisoners, and executes sentences. Messengers, "fluent in speech," convey the king's wishes or decisions; a lower class of couriers acts as mailmen. District judges, called chief *merinos*, intervene in cases involving the king's authority; they appoint assistant *merinos*. An admiral "is commander of all the warships, not only when many are united and are called a fleet, but also when they are few in number and are called an armada." This admiral hears appeals from sailors against officers and punishes crimes of seamen; he can arrest and judge captains but cannot punish them without the king's consent. An admiral can commandeer marine necessities "in all ports" and has responsibility for naval stores and property. A finance office under a collector or *almoxarife* oversees tax collecting, making of audits, and disbursal of crown revenues. Two essays deal with the royal court in general, as a place of courtesy and great affairs, the home of justice, so that "a custom in Spain" is for "men of rank" to send their sons to be brought up at court to become "polite and well-informed," with "good manners in speech as well as in action." A palace is defined as any public place where all these crown activities go forward.

These essays offer a remarkable picture of the major officers of the king's court. Other high officials who did not reside at court are not included, while many lesser staff members have been omitted such as barbers, tailors, chapel personnel, saddlers, candle bearers, tent custodians, falconers, and so on. The officials actually listed stand frequently for departments or ministries, or in some cases for a busy bureaucracy. The majordomo and the chamberlain needed a complicated staff to cover the myriad details of domestic life, while the chancellor and the treasurer dealt not only with the court but with the nation and the wider world. Similarly the falconer presided over his own staff of professionals and menials, as did the chaplain, the huntsman, the stable officer, the several butlers, and the body of musicians.

Alfonso was not the only king codifying the traditional positions at his court. His contemporary in the realms of Arago-Catalonia, Peter the Great (1276–85) also issued such *Ordenaments*, as would others of the Arago-Catalan dynasty, notably Peter the Ceremonious in 1344. The most celebrated and elaborate organization of a court in medieval Spain, however, was the book of explanations and instructions in 158 illustrated pages (79 folios), commissioned by King Peter's relative James III of Majorca, titled *Leges palatinae*, or *The Palace Laws*. Drafted in 1337 in the island kingdom of Majorca, this treatise echoes the organization of the thirteenth-century Arago-Catalan court at Barcelona, doubtless with some further complications. An early printing of the *Leges* in 1701 redrew and assembled together in black and white 82 of the brilliantly colored miniatures showing court officials and procedures. A recent facsimile of the codex in full color is now available, with transcription of the Latin text, a translation into Spanish, and an extensive commentary. The pictures include such lesser functionaries as sweeper, seamstress, blacksmith, valet, waiter, keeper of the king's seals, meat-carver, water-bearer, physician, surgeon, apothecary, almoner, messenger, miller, and armorer. The most ambitious exploration of a thirteenth-century Spanish court, drawing upon thousands of unpublished documents, is Marta VanLandingham, "The Court and the State in the Middle Ages: The Administration and Household of Pere the Great of the Crown of Aragon, 1276–1285," which supplements in detail King Alfonso's brief presentation.<sup>5</sup>

5. Marta VanLandingham, "The Court and the State," unpublished doctoral dissertation, University of California at Los Angeles, 1997. O'Callaghan's *Learned King* has a pertinent chapter on "The Tools of Government." A full color

## HOW TO BE GOOD SUBJECTS

Titles 10 through 20 detail relations between king and subjects, their mutual obligations and attitudes. The king owes his people affection, protection, good laws, and security, with special care for the church, knights, “masters of the great sciences,” merchants, and craftsmen, while also restraining the arrogance and violence of higher ranks toward the lowly. Physically the king should extend the area of agriculture, build bridges and roads, inns and hospices, and “good walls and towers” properly “ornamental.” Since subjects must love God, king, and country, one title here covers God (under Faith, Hope and Charity) while another contains twenty-six essays concentrating on God’s gift, the king. People must not “speak ill of him [the king], so that he lose his glory and renown,” an act of treason much like murder. They must tell him the truth, not “flattery which is a lie knowingly invented.” Savage retribution will befall those who attack the king with weapons or words. Subjects must serve him steadily, be always and gratefully mindful of his sovereignty, and keep a reverential awe (not servile fear) as a component of their love for his soul, body, and deeds. They should rise when he enters, not “turn their backs to him” or “go in front of him or near him” or seem “on an equality with him” or “lie down on his bed or sit in his seat when he is not there.” At his death, his subjects high and low, including “all the good men of the cities and large towns,” should attend his wake. This introduces a treatment of succession, the new king (“kiss his foot and hand”), and castle-holders (do homage within thirty days of the accession, though some may need up to one hundred days).

All must protect the queen too as an extension of the king, and likewise his female relatives, all the governesses, and ladies-in-waiting as extensions of the queen—indeed all who “travel and serve” in the queen’s household, including the wet nurse, the occasional nun or slave, and especially the wardrobe mistress. Primogeniture is counseled here too, and the benefits of an intact kingdom. The last element in the trinity of God, king, and country is postponed to title 20, which tells the people to love their country as “their mother.” They should “marry early,” without a great age difference, to populate it, and should avoid those times of intercourse when misfits might be born. They should rear their children “with great tenderness” in good habits. People should improve their country with bodily labor or by skilled crafts, making use of domestic animals, waging “war” on obstacles by “tunneling,” leveling, “killing wild animals,” and “breaking up large rocks.” Finally, all must defend their country militarily.

## CASTLES AND THEIR RITUALS

The rest of the second *partida* concentrates on military matters and defense of the realm, except for a brief closing coda on universities. The previous run of titles, from 10 through 20, however, includes a long title 18 that deals with castles. Thirty-two essays cover the castles themselves, their maintenance, provisioning, transfer, and

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facsimile of the *Leges* of King James III of Majorca is *Leyes palatinas*, with Latin transcription by Lorenzo Pérez Martínez, Spanish translation by Miquel Pascual Pont, and introduction by Gabriel Llompарт and Marcel Durliat (Palma de Mallorca: J. J. de Olafata, 1991). A less ambitious version is the color facsimile with introduction by Joan Domenge i Mesquida, as *Leges palatinae* (Bloomington: Indiana University Press, 1994). A flawed transcription with drawings is *Leges palatinae Jacobi III, regis Majoricae*, ed. Daniel van Papebroeck et al., *Acta sanctorum* 3, June (Antwerp: Bollandists, 1701; 1734–60; 1863–65). For King Peter the Great, see Peter, “Ordenaments de Pere ‘lo Gran’ e Anfos ‘lo Liberal’,” *Boletín de la Real academia de buenas letras de Barcelona* 5 (1909–10): 99–105. See too Josep Trenchs, *Casa, corte y cancellería de Pedro el Grande (1276–1285)* (Rome: Bulzoni Editore, 1991), essentially a series of archival notes locating by name the personnel of each office or function. Still useful is Evelyn Procter, “The Castilian Chancery During the Reign of Alfonso X, 1252–1284,” in *Oxford Essays in Medieval History Presented to Herbert E. Salter* (Oxford: Clarendon Press, 1934), 103–21.

defense. There are rituals for accepting a castle and also for dismissing its holder (notify him by messenger or mail, then issue a legal challenge with a set deadline). The castellan must be noble, a good administrator, valiant but prudent, personally present, and with sufficient garrison, victuals, and arms, who will never surrender even in the face of death or if his wife or sons are tortured. If he dies, "the best man in the castle" should take over until a new castellan can be appointed. The garrison must include knights, squires, "other armed men," and crossbowmen ("very effective in the guard and defense of a castle"), as well as night sentinels, wall sentries, tower watchmen, and night patrols. Provisions should include bread that keeps, meat or fish, salt, vegetables, oil, charcoal, hand mills, shoes, clothing, and especially water and arms. The castellan or lord must hearten and discipline his soldiers, and be familiar with stratagems. He should beware overconfidence, conceal losses or injuries, and keep experts on hand for the artillery.

The process for turning a castle back to a king or lord also involves rituals to minimize trickery by an enemy. In peacetime, if the king's agent does not appear within three days of the takeover deadline, the castellan should demonstrate to the knights and others on hand what materials he is leaving behind. At the least he must set out ritually "a dog, a cat, a cock, a sieve, a bread bowl, an earthen pot" and other utensils, then lock the gate of the abandoned castle from the outside, "and throw the key over the wall, inside the castle." The stress on castle rituals is not surprising, since Castile and perhaps Catalonia derived their very names from their condition as "land of castles." The Iberian landscape was sown with castles, towers, forts, and fastnesses of every kind and shape, the legendary "Castles in Spain" of reverie.

Title 19 takes up foreign invasion, siege, and pitched battle, as well as rebellion and the king's invasion of some other country, along with penalties for desertion and procedures for drafting a universal army (including most clerics, all men between the ages of fourteen and seventy, and even "the women" for unspecified services). "Spaniards always have been well skilled in war," says law 9, "and have had much practice in deeds of arms."<sup>6</sup>

## KNIGHTS AND CHIVALRY

Title 21 considers the knight, that "one man out of a thousand" (from Isidore of Seville's playful etymology of *miles* or knight from *mil* for "a thousand"). The knight must be endowed with endurance, virtues, courteous good manners, loyalty, skill with weapons, and intelligence, but pitiless as well as vulnerable (by proud lineage) to shame. He should always wear his sword. Only the king or his heir, or a knight, can

6. On the custom law for holding and administering castles, probably much influenced by Muslim practice, which spread through the *Siete Partidas* also in Arago-Catalan lands, see Pierre Guichard, "Alcaldía y *Costum d'Espanya* en el reino de Valencia y los estados de la Corona de Aragón" in his *Estudios sobre historia medieval* (Valencia: Edicions Alfons el Magnànim, 1987), 221–35; the magisterial monograph by M. T. Ferrer i Mallol, "La tinença a Costum d'Espanya en els castells meridional valenciana," *Miscel·lània de textos medievals* 4 (1988): 1–102; and from the *Partidas*, Gonzala Plaza Serrano, "La tenencia de castillos y su entrega al señor en la II partida de Alfonso X," *Congreso internacional conmemorativo del VIII centenario de la batalla de Alarcos*, ed. Ricardo Izquierdo Benito and Francisco Ruiz Gómez (Cuenca: Universidad de Castilla-La Mancha, 1996), 589–95. Scholarly and popular writings on Spanish castles are endless. Juan Espinosa de los Monteros and Luis Martín Artajo Saracho, *Corpus de castillos medievales de Castilla* (Bilbao: Editorial Clave, 1974), completed under the patronage of the Asociación Española de Amigos de los Castillos, is an encyclopedic compendium of Castile's castles, with maps, plans, color photographs, and other illustrations. Dalmau's exhaustive scholarly work on *Els castells catalans* (6 vols., Barcelona: Rafael Dalmau, Editor, 1967–79) is the most impressive work on Spanish castles, though confined to Catalonia proper. Cristóbal Guitart Aparicio canvasses the many castles of the kingdom of Aragon in *Castillos de Aragón desde el siglo IX hasta el segundo cuarto del XIII*, 3 vols. (Zaragoza: Librería General, 1976–88). Sarthou Carreres's beautifully illustrated *Castillos de España (su pasado y su presente)* by Carlos Sarthou Carreres (Madrid: Espasa-Calpe, 1963 and later editions) is more popular in nature but comprehensive and instructive.

create a knight; a queen or empress, a cleric, or a boy under fourteen cannot make knights. Many kinds of people cannot be knights, including women, clergy, the very poor, those of dishonorable life or bodily defect, and traveling merchants. The *Partidas* here diverges from the very different understanding of knights in the cities of the Mediterranean commercial world, though the manneristic elements were popular and practiced even there.

Purity of mind should be reflected in "cleanliness" of the knight's clothes. "Although their calling is rude and bloody," their minds are "pleased with things beautiful and elegant." The knight's vigil before dubbing, "upon his knees for as long as he can endure it," echoes the godly orientation of his life. The mechanics of his girding, swearing, and accolade are described. His weapons are "handsome and richly adorned." The fulsome cloak is the special sign of a knight, to be worn "not only while they ate and drank, but also while they sat, talked, and rode." A knight sleeps lightly, eats but one meal and a light breakfast, waters his wine, and listens to jongleurs' war songs. Knights formerly branded their right arms (to announce their responsibilities publicly), delivered "any knight or lady" from poverty or from wrongs, and never gambled their horses or arms. Knights must not be vulgar, intemperate, haughty, or liars (except in special circumstances explained in law 22); they should be obedient, crafty, and thrifty. Knights are honored by other folk, receive class privileges, and have special consideration even in lawsuits and criminal investigations. If convicted of grievous crime, a knight cannot be treated badly but is entitled to die by beheading or starvation. For such crimes as fleeing the battlefield, losing his horse at dice (or giving his horse or arms away "to bad women"), or "engaging openly in trade" or a lowly employment, he can be unknighthed in a ritual of strap-cutting and removal of spurs, much like the modern drumming out of an army.

King Alfonso's explanation of how to be a knight was incorporated soon after in segments of the *Llibre de l'ordre de cavalleria*, or *Book of the Order of Chivalry*, written in 1275 by the Catalan Ramon Llull. Llull's book became "immensely successful" and "the classic account of knighthood," translated into Castilian and other languages; England's first printer, William Caxton, published it in English. Similar didactic works appear in medieval Spanish literature, notably the books by King Alfonso's nephew Don Juan Manuel, the *Libro del cavallero e del escudero*, or *Book of the Knight and the Esquire*, and the *Libro de los estados*, or *Book of Social Orders*. The theme of defining and instructing the knight would grow in popularity in subsequent centuries, echoing in the chronicles and romances of Castilian and Catalan chivalry and in specific treatises like the *Victorial* of Gutierre Díez de Games in 1405.<sup>7</sup>

### CAPTAINS, SERGEANTS, AND SOLDIERY

When a man is skilled in camps, foraging, exercise of authority, military intelligence and the like, he can be assessed by twelve top captains in order to be promoted to captain (*adalid*) by being raised high on a shield and receiving his own banner. Mounted and assimilated to light cavalry but not knightly status, he has wide powers over both infantry and cavalry, and over the army as such, under the overall commander. The infantry sergeant or commander (*almocadén*) must similarly be assessed by twelve sergeants; he receives a personal "lance with a small pennon" after being raised four times on a grid of twelve lances. He can later rise to captain. As for the

7. Maurice Keen, *Chivalry* (New Haven, Conn.: Yale University Press, 1984), 10–11, with a long discussion of Llull and medieval authors.

army, it is better to have “a few good foot soldiers than many bad ones”; crossbowmen are “very effective”; weapons are especially “lances, javelins, knives, and daggers”; and the men must be treated “with great affection” and generous shares of booty.

The kinds of war, their motives, the previous state of readiness in men, materiel, and intelligence, the qualities of generals (practice and knowledge of command is the essential), and practicalities such as tactics make up the lengthy title 23. The commander should be cautious and reflective before engaging, but then act decisively without fear or hesitation. Stratagems for counterbalancing unfavorable odds include choosing the ground for battle, using the edge offered by sun or wind, and drawing out (or down) an entrenched enemy. “A few often overcome many” or at least recover well. Flag courtesy takes up four laws, including the king’s square standard and the square banner with cut-away corners to designate the captain of one hundred knights. Other pennants and ensigns are described for units of one hundred down to fifty knights, from fifty down to ten (“longer than it is broad, extending a third way down the staff”), for the king’s high officers (“a banner narrow and long and divided into two parts”), and for admirals, galley captains, and other purposes.

Communications thus secure, law 16 examines disposition of one’s troops—by extended ranks, by square (or else rounded square) that faces outward, by aggressive wedge, and by formations such as the wall, the corral of infantry in three ranks, a flank-protective routine, and counterdispositions against enemies who might themselves be in any such array. Another law dealt with armies on the march, as on parallel roads or single file, with problems of passes or of lost animals, and with attention to advance party, rearguard, flanks, and scouts, the knights being “constantly armed and ready.” Elaborate details are given on quartering in a camp (with water, wood, grass, but not under a hill or near a marsh), surrounding it with circled wagons or with iron stakes joined by ropes, and laying out streets marked with banners.

Siegecraft and artillery occupy four essays. The army should have a large supply “not only of engines which shoot stones by means of a [gravity] counter-poise, but of others which are fired with cords by the hand as well,” along with wooden mobile castles, battering rams, protective hurdles, mining equipment, trench covers, and a stock of such items as picks, mattocks, spades, large and small levers, large and small axes, scythes, sickles, wood, and skilled men to maintain and handle all these items. Engineers can deflect well water by pipes, turn streams by canals, and cut down grains and fruits. Other elements discussed include raids, foraging, commandos, sallies, ambushes, and the drums and trumpets that precede a large force into a set battle.

## WAR AT SEA

The code now turns to naval war, “a desperate undertaking” attended “with more danger than that on land.” It is conducted either by “a fleet of galleys, and ships filled with armed men” or else by a squadron of a few swift galleys for pursuit. The fleet “resembles a great army,” the squadron “a body of cavalry.” An admiral chosen for seamanship, lineage, valor and loyalty is inducted like a knight, after a church vigil, oath, and reception of ring, sword, and royal standard. The navigator-pilot is invested with a small sword and a rudder. The captain, acting like an admiral for his own ship, can be appointed only by the king or his delegate, after assessment by twelve of his peers; he is clothed in red, handed the king’s pennon, and conducted to his ship with trumpet and pipes. The prow-men fighters go forward, the wing-men at the sides,

while the guards protect provisions and arms. Sailors run the ship. But the corps of the marines must be “the boldest, strongest, and most active men.”

The vessels themselves can be large “ships” of one or two masts, or else “a carrack, a vessel, a galley, a felucca, a pinnace, a caravel, or barks.” The larger battleships “are called great galleys while the smaller are galliots, *tardantes* [tartans], and *saetyas* [small, fast transports].” As with land warfare, an essay details the tools of nautical fighting: hooks against boarders, jars of lime to blind, soap to make the deck slippery for an enemy, liquid pitch for burning, “wheeled crossbows two feet high,” knives, daggers, clubs, axes, lances, mail, and helmets. Supplies should include biscuit, salted meat, vegetables, vinegar, and water, but no alcohol. The enemy includes the treacherous sea itself, storms, and onboard hardships.<sup>8</sup>

### REWARDS, RANSOM, AND BOOTY

Title 25 details the insurance or bonuses available to twenty categories of wounded (included loss of four front teeth), for compensating loss of horse or property (to be appraised before battle), for ransom of those captured, and for a bonus to the heirs of each man killed (the foot soldier’s survivors getting half the recompense owed for a knight). A similar mathematics explains the many divisions of booty and its manner of control and redistribution; this includes bonuses for tournaments or champions in the name of the opposing armies, the collection of all loot when a castle fell (loot was then auctioned, with every sale recorded). Distribution involved each participant passing under a lance held by two men like a gate, to check for absentees or fraud as the names were called. Booty from a raid was shared according to the number and quality of armor used by each participant—for example, a hauberk, brassard, cuirass, helmet as against a steel cap, or the equipment of a mounted crossbowman “with both his strings, his belt with a hundred arrows or more, and his quiver.” Officers in a raid got a double share, infantrymen a half share. (A call to arms might initiate a defensive raid, whether by voice, watchtower signals, or “bells, trumpets, horns, whistles, [or] drums.”)

Rewards for seamen were similarly laid out: the king’s fifth or more, the admiral’s seventh, the compensation for killed and wounded, and the equivalence of captains and navigators to land captains, of marines to light-horse men, of crossbowmen to infantry captains, and of galley rowers to infantry. The stages of auction of sea loot include appraising each item, exposing all booty to public inspection and handling, taking surety to bind each winning bidder to pay in cash within three or nine days (or else pay double). The auctioneers “cry the amount” and “run from one side to another, while showing the property” for the “very highest price,” while clerks record the sales and give a detailed receipt under seal to each purchaser.

The final four titles cover rewards for heroism, punishments for military misconduct, and the ransoming of captives of war, especially Muslim captives. The rewards claim less attention than does punishment, and include distinctions, money or property prizes, tax exemption, and raising to a higher status. Punishments concern formal or judged affairs rather than such informal rebukes as a “warning,” “gentle admonition” or officer’s “blow with a stick.” The kinds of malfeasance are “many,” such as desertion, informing the enemy, fleeing in battle, fighting among themselves, stealing,

8. John H. Pryor, *Geography, Technology, and War: Studies in the Maritime History of the Mediterranean, 649–1571* (Cambridge: Cambridge University Press, 1988), explains the many kinds of ships and the conditions of sea war. Alfonso’s *Cantigas* displays a number of warships both Muslim and Christian.



and neglect of duty; these can call for capital punishment. For disobedience an officer may strike with a staff or even wound, but without anger, or he can put the man in chains, make him walk behind an animal, or shame him. The testimony of two credible soldiers to theft could bring branding on the face, though anciently it led to loss of ears and hand. The treatment of captives has its own code; one cannot kill, sell, or “severely” torture fellow Christians but must treat them as “prisoners.” A “captive” is a non-Christian, subject to slavery when a prisoner of war, who can be sold, executed, separated from family, or lose his property. A special institution, manned by *alfaques* or *exeas*, was the recognized channel for ransoming or exchanging such Muslim “captives”; these officials, selected by twelve men named by the king or his delegate and carrying the king’s pennon, follow the customary rules and duties as summarized here.

King Alfonso’s remarkably detailed outline of military life on land and sea may be fleshed out with contemporary Spanish memoirs and documentation. Among these the *Book of Deeds* by King James of Arago-Catalonia (1208–76) stands out as a systematic portrayal of a warrior’s life and campaigns, with extensive discussion of strategy, tactics, artillery, and other matters on which Alfonso touched. The similar memoir of King James’s junior contemporary Ramon Muntaner (1265–1336), like James a Catalan, is particularly good on all matters of sea warfare. King Alfonso’s hundreds of miniatures in his *Cantigas de Santa Maria* supply a visual archive not only of daily life but of military battles, weaponry, flags, artillery, and other aspects of the warrior’s trade in Spain. As an entry into the military bibliography of medieval Spain, three works stand out: the pioneering article by Elena Lourie, “A Society Organized for War: Medieval Spain,” the book by James Powers, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000–1284*, and Francisco García Fitz, *Castilla y León frente al Islam: estrategias de expansión y tácticas militares (siglos XI–XIII)*.<sup>9</sup>

## UNIVERSITIES AS DEFENSE OF THE REALM

The second *partida*, devoted to the king’s court and to military matters, concludes with a short but pithy series of essays on higher or university education. It provides one of the most fascinating medieval treatises on that topic. Alfonso places it

9. Elena Lourie, “A Society Organized for War,” *Past and Present* 35 (1966): 54–76; also available in her *Crusade and Colonisation: Muslims, Christians and Jews in Medieval Aragon* (Aldershot: Variorum, 1990), chap. 1; James Powers, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000–1284* (Berkeley: University of California Press, 1988); Francisco García Fitz, *Castilla y León frente al Islam: estrategias de expansión y tácticas militares (siglos XI–XIII)* (Seville: Universidad de Sevilla, 1998), with a rich bibliography; Paul E. Chevedden, “The Artillery of King James I the Conqueror” in *Iberia and the Mediterranean World of the Middle Ages: Studies in Honor of Robert I. Burns S.J.*, ed. Larry Simon, Paul Chevedden, Donald Kagay, and Paul Padilla, 2 vols. (Leiden: E.J. Brill, 1995–96), 2: 47–94. M. C. Castrillo Llamas cites the *Partidas* as “the first systematized legislation” on castles and forts in her “Fortificaciones, elementos defensivos y organización militar en los fueros castellanos y leoneses de la edad media (siglos X–XIII),” *Anuario de estudios medievales* 25 (1995): 39–66. For more on King James’s *Llibre dels feits*, see the General Introduction in Volume 1 of this edition. Muntaner’s autobiographical *Crònica* is in Ferran Soldevila, *Les quatre grans cròniques* (Barcelona: Editorial Selecta, 1971). Henrietta Goodenough has an English translation, *The Chronicle of Muntaner*, 2 vols. (London: Hakluyt Society, 1920–21). The *Cantigas de Santa Maria* is available in a facsimile color reproduction, with studies by Matilde López Serrano et al., 2 vols. (Madrid: Edilán, 1980); a Florentine variant of the codex with additional pictures is in a color facsimile, also as *Cantigas de Santa Maria*, 2 vols. (Madrid: Edilán, 1989). See also the translation by Kathleen Kulp-Hill as *The Songs of Holy Mary* (Tempe: Arizona Center for Medieval and Renaissance Studies, 2000). See also Julio Gerardo Martínez Martínez, *Acerca de la guerra y de la paz: los ejércitos, las estrategias y las armas según el libro de las Siete partidas* (Cáceres: Universidad de Extremadura, 1984). The classic work on ransom is James Brodman, *Ransoming Captives in Crusader Spain: The Order of Merced on the Christian-Islamic Frontier* (Philadelphia: University of Pennsylvania Press, 1986). See also M. T. Ferrer i Mallol, “Els redemptors de captius: mostolafs, eixees o alfaques (segles XII–XIII),” *Medievalia* 9 (1990): 85–106.

here because “men, lands and kingdoms” are “protected, profited and guided by learned men and their advice.” Universities thus fit into the defense of the kingdom and of its cultivation and perfecting. The symbiosis of learning and governance dated back through the ancient world and was exemplified with particular brilliance by Alfonso the Learned himself. Kings surrounded themselves with wise and learned men who served partly as advisers, partly to lend distinction to the court, partly as entertainment, and partly as depositories of the wisdom of the ages.

In thirteenth-century Europe the novel form of incorporated learning that produced such men for the realm at large was the university. Theologians and canonists held that imparting university instruction was a quasi-sacred act, so that charging money for it fell under the sin of simony in selling the sacred. “Higher knowledge is a gift of God,” as the common legal formula put it, “and thus cannot be sold” (*Scientia donum dei est, unde vendi non potest*). Since such a noble figure as the university professor should be supported in noble fashion, his recompense was understood as a stipend or inadequate gift on the occasion of imparting higher knowledge.

The treatise describes a “general” university as having professors of arts (“as for instance of grammar, logic, rhetoric, arithmetic, geometry, and astrology [-astronomy])” and also “lords of laws.” Only a pope, emperor, or king could establish such an institution. Alfonso offers an idealistic description. The university should be set “apart from the town,” with its buildings near each other so that students can take more than one subject. There must be “pure air and beautiful environs,” both for health and for “rest and pleasure in the evening.” Food and “good lodging houses” must be available in the nearby town “without great expense” for students and faculty. The townsmen must protect the school people, allowing no violence or dishonor, and the king’s special security covers students and faculty coming, going, or staying throughout the kingdom. There must be at least one professor per branch of learning, with a minimum of one in grammar, one in logic, one in rhetoric, and one in law. The king fixes each professor’s salary or stipend, paid in three installments during the year, adjusting it according to the branch of learning and the master’s degree of advancement. The salary continues even when the teacher is ill and absent; if dead, it goes for that year to his heirs. The professor must follow the source book (effectively the syllabus) and not use substitute teachers. Teachers and pupils can form unions even where unions are illegal; they have the right of assembly and may choose their own rectors. They may not form violent factions or “go about armed by night and by day,” but “remain quiet in their lodgings” and study. A student’s crimes can go before his professor or (since a student was by legal fiction or technicality a cleric) before the bishop.

“The world is more benefited by [law] than by any other [subject],” and so more privileges accrue to law professors. They receive the title “Lords of Laws” and “Gentlemen.” When a law professor enters a courtroom, the presiding judge must rise and offer a seat beside him or else pay a fine of three pounds of gold. Law professors may enter the presence of “emperors, kings, and princes” freely; on an occasion where this might be disruptive, the professor must at least be announced. After teaching law for twenty years, “they have the right to be styled counts.” All professors of any subject are exempt from taxes, military draft, or other civic duty. Each university has a beadle to announce meetings, examinations, and feasts, and to act as broker in purchases of books. The student bookstore is important, involving “a shop,” a license from the rector to the bookseller, and an ongoing inventory of “good and legible and accurate” source books and commentaries, “to be rented to pupils to make new ones from,” according to prices set in advance by the university.

Anthony Cárdenas has studied this Educational Code, “the first of its kind,” in

the light of the king's official day-by-day "academic statutes." Cárdenas finds that the *Partidas* vision "is often founded in the real detail of the *fueros académicos*" issuing from Alfonso's chancery as business documents. Thus Alfonso provides the actual salary lists from the 1254 charter for Salamanca University, with their parallels and divergences. The master in civil law gets 500 maravedís, the decretist in canon law 300 and two decretalists each 500, two grammar masters each 200, two logic masters each 200, two medicine masters each 200, the stationer for books 200, and the music master 50 (Salamanca being the first university to give "both degrees and practical instruction in music"). Cárdenas also cites from the king's *General estoria* Alfonso's underlying sacral vision of higher learning: "the more one has of knowledge and the more one arrives at it by study, the more he learns and grows and the more he approaches closer to God because of it, as a mountain that goes upward towards the sky."<sup>10</sup>

### SUGGESTIONS FOR READING

For a bibliography on the *Partidas* as a whole, see the contributions by Jerry Craddock and Joseph O'Callaghan in the General Introduction in volume 1.

The present list combines works cited in the notes for the introduction to the second *partida* with representative added works, especially in English, on the three major themes of this *partida* (governance, military, universities) as focused on Spain.

- Ajo González y Sáinz de Zúñiga, C. M. *Historia de las universidades hispánicas: orígenes y desarrollo desde su aparición a nuestros días*. 11 vols. Madrid: Consejo Superior de Investigaciones Científicas, 1957–79.
- Alfonso X el Sabio, king of Castile. *Cantigas de Santa Maria: edición facsímil*. Escorial codex with studies by Matilde López Serrano et al. 2 vols. Madrid: Edilán, 1981.
- . *Cantigas de Santa Maria: edición facsímil*. Florence codex. 2 vols. Madrid: Edilán, 1989.
- . *The Songs of Holy Mary by Alfonso X: A Translation of the Cantigas de Santa Maria*. Trans. Kathleen Kulp-Hill. Tempe: State University of Arizona, 1999.
- Aquinas, Thomas and Ptolemy of Lucca. *De regimine principum ad regem Cypri*. Ed. R. M. Spiazzi. Rome/Turin: Marietti, 1954. Trans. James M. Blythe, *On the Government of Rulers: De regimine principum, Ptolemy of Lucca with Portions Attributed to Thomas Aquinas*. Philadelphia: University of Pennsylvania Press, 1997.
- Bermejo Cabrero, José Luis. "Notas sobre la segunda *Partida*." In *VII Centenario del Infante don Fernando de la Cerda*. Ciudad Real: Instituto de Estudios Manchegos, 1976. 265–71.
- Bisson, Thomas. "'Statebuilding' in the Medieval Crown of Aragon." In *El poder real en la corona de Aragón (siglos XIV–XVI)*. XV Congreso de historia de la Corona de Aragón. 3 tomos. Zaragoza: Diputación General de Aragón, Departamento de Educación y Cultura, 1996. Vol. 5: 141–58.
- Brehm, Donald L. "Monarchy in the Political Thought of Alfonso X el Sabio of Castile, 1252–1284." Unpublished doctoral dissertation, St. Louis University, 1968.
- Brodman, James. *Ransoming Captives in Crusader Spain: The Order of Merced on the Christian-Islamic Frontier*. Philadelphia: University of Pennsylvania Press, 1986.
- Burman, Thomas. "The Rearing of Children in the *Siete partidas* of Alfonso X." *Scintilla* 5 (1988): 41–70.
- Burns, Robert I., S.J. ed. *Emperor of Culture: Alfonso X the Learned of Castile and His Thirteenth-Century Renaissance*. Philadelphia: University of Pennsylvania Press, 1990.
- . "How to End a Crusade: Techniques for Making Peace in the Thirteenth-Century Kingdom of Valencia." *Military Affairs* 35 (1971): 142–48.

10. Cárdenas, "Alfonso X and the *Studium Generale*," *Indiana Social Studies Quarterly* 33 (1980): 65–75; cf. O'Callaghan, *Learned King*, 131–34. On Alfonso's "stationer" see George D. Greenia, "University Book Production and Courtly Patronage in Thirteenth-Century France and Spain," *Medieval Iberia*, 103–28. The standard history of Spain's universities is C. M. Ajo González y Sáinz de Zúñiga, *Historia de las universidades hispánicas: orígenes y desarrollo desde su aparición a nuestros días*, 11 vols. (Madrid: Consejo Superior de Investigaciones Científicas, 1957–79), with ample reproduction and citation of the charters. Particularly pertinent to Spain is George Makdisi's pioneering *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981) on the many foundations and synchronies shared by Islamic and medieval European organizations of higher learning, their purposes, methodology, and procedure, for example the Malikite reservation of founding to the sovereign in al-Andalus as echoed in the Spanish royal foundations by Alfonso X and his neighbor James I.

- . "Piracy as an Islamic-Christian Interface in the Thirteenth Century." *Viator* 11 (1980): 165–78.
- . "Warrior Neighbors: Alfonso el Sabio and Crusader Valencia, an Archival Case Study in His International Relations." *Viator* 21 (1990): 147–202.
- , ed. *The Worlds of Alfonso the Learned and James the Conqueror: Intellect and Force in the Middle Ages*. Princeton, N.J.: Princeton University Press, 1985.
- Cárdenas, Anthony. "Alfonso X and the *Studium Generale*." *Indiana Social Studies Quarterly* 33 (1980): 65–75.
- Castrillo Llamas, M. C. "Fortificaciones, elementos defensivos y organización militar en los fueros castellanos y leoneses de la edad media (siglos X–XIII)." *Anuario de estudios medievales* 25 (1995): 39–66.
- Chevedden, Paul E. "The Artillery of King James I the Conqueror." In *Iberia and the Mediterranean World of the Middle Ages: Studies in Honor of Robert I. Burns S.J.*, ed. Larry Simon (vol. 1), Paul Chevedden, Donald Kagay, and Paul Padilla. Leiden: E.J. Brill, 1995–96. 2: 47–94.
- Craddock, Jerry R. "Dynasty in Dispute: Alfonso X el Sabio and the Succession to the Throne of Castile and León in History and Legend." *Viator* 17 (1986): 197–219.
- . *The Legislative Works of Alfonso X el Sabio: A Critical Bibliography*. Research Bibliographies and Checklists 45. London: Grant and Cutler, 1986.
- . "Must the King Obey His Laws?" In *Florilegium hispanicum: Medieval and Golden Age Studies Presented to Dorothy Clotelle Clarke*, ed. John S. Geary, Charles B. Faulhaber, and Dwayne E. Carpenter. Madison, Wis.: Hispanic Seminary of Medieval Studies, 1983. 71–79.
- Dalmau, Rafael, ed. *Els castells catalans*. 6 vols. Barcelona: Rafael Dalmau Editor, 1967–79.
- Espinosa de los Monteros, Juan and Luis Martín Artajo Saracho. *Corpus de castillos medievales de Castilla*. Bilbao: Editorial Clave, 1974.
- Ferrer i Mallol, M. T. "Els redemptors de captius: mostolafs, eixeex o alfaquecs (segles XII–XIII)." *Medievalia* 9 (1990): 85–106.
- . "La tinença a Costum d'Espanya en els castells de la frontera meridional valenciana (segle XIV)." *Miscel·lània de textos medievals* 4 (1988): 1–102.
- García Fitz, Francisco. *Castilla y León frente al Islam: estrategias de expansión y tácticas militares (siglos XI–XIII)*. Seville: Universidad de Sevilla, 1998.
- González-Casanovas, Roberto. "Courtly Rhetoric as a Political and Social Code in Alfonso X: The Prologues to the *Espéculo* and the *Siete Partidas*." In *Medieval Iberia: Essays on the History and Literature of Medieval Spain*, ed. Donald Kagay and Joseph Snow. New York: Peter Lang, 1997. 129–41.
- . "Cultural Politics in Castilian and Catalan Chronicles of the Reconquest." In *Essays in Honor of Josep M. Solà-Solà: Linguistic and Literary Relations of Catalan and Castilian*, ed. Suzanne Hintz. New York: Peter Lang, 1996. 143–44.
- Greenia, George D. "University Book Production and Courtly Patronage in Thirteenth-Century France and Spain." In *Medieval Iberia: Essays on the History and Literature of Medieval Spain*, ed. Donald Kagay and Joseph Snow. New York: Peter Lang, 1997. 103–28.
- Guichard, Pierre. "Alcaldía y *Costum d'Espanya* en el reino de Valencia y los estados de la Corona de Aragón en la edad media." In his *Estudios sobre historia medieval*. Valencia: Edicions Alfons el Magnànim, 1987. 221–35.
- Guitart Aparicio, Cristóbal. *Castillos de Aragón desde el siglo IX hasta el segundo cuarto del XIII*. 3 vols. Zaragoza: Librería General, 1976–88.
- James I the Conqueror, king of Aragon-Catalonia. *Llibre dels feits*. In *Les quatre grans cròniques*, ed. Ferran Soldevila. Barcelona: Editorial Selecta, 1971. 127–402. Philological edition by Jordi Bruguera, *Llibre dels feits*, 2 vols. Barcelona: Editorial Barcino, 1991.
- . *Chronicle of James I, King of Aragon, Surnamed the Conqueror (Written by Himself)*. Trans. John Forster. 2 vols. London: Chapman and Hall, 1883. Reprint, Farnborough: Gregg International, 1968.
- Juan Manuel. *Libro de los estados*. Ed. R. B. Tate and I. R. Macpherson. Oxford: Clarendon Press, 1974.
- . *Libro del caballero e del escudero*. Biblioteca de Autores Españoles 51. Madrid: Real Academia Española, 1857. 234–57.
- . *Tractado de las armas*. Biblioteca de Autores Españoles, 51. Madrid: Real Academia Española, 1857. 257–64.
- Keen, Maurice. *Chivalry*. New Haven, Conn.: Yale University Press, 1984.
- Kinkade, Richard. "Violante of Aragón (1236?–1300?): An Historical Overview." *Exemplaria hispanica* 2 (1992–93): 1–37.
- Leges palatinae*. Ed. Joan Domenge i Mesquida. Bloomington: Indiana University Press, 1997.
- Leges palatinae Jacobi III, regis Majoricae*. Ed. Daniel van Papebroeck et al. Acta sanctorum 3, June. Antwerp: Bollandists, 1701.
- Leyes palatinas*. Latin transcription by Lorenzo Pérez Martínez, Spanish translation by Miquel Pascual

- Pont, introduction by Gabriel Llompарт and Marcel Durliat. Palma de Mallorca: J. J. de Olañata, 1991.
- Linehan, Peter. "The Politics of Piety: Aspects of the Castilian Monarchy from Alfonso X to Alfonso XI." *Revista canadiense de estudios hispánicos* 9 (1985): 386–404.
- Llull (Lull), Ramon. *The Book of the Order of Chivalry*, transl. William Caxton (1484), ed. Alfred T. P. Byles. London: Early English Text Society, 1926.
- Lourie, Elena. "A Society Organized for War: Medieval Spain." *Past and Present* 35 (1966): 54–76. Also in her *Crusade and Colonisation: Muslims, Christians and Jews in Medieval Aragon*. Aldershot: Variorum, 1990. Chap. 1.
- MacDonald, Robert A. "Kingship in Medieval Spain: Alfonso X of Castile." Unpublished doctoral dissertation, University of Wisconsin at Madison, 1958.
- . "Law and Politics: Alfonso's Program of Political Reform." In *The Worlds of Alfonso the Learned and James the Conqueror: Intellect and Force in the Middle Ages*, ed. Robert I. Burns, S.J. Princeton, N.J.: Princeton University Press, 1985. 150–202.
- Makdisi, George. *The Rise of Colleges: Institutions of Learning in Islam and the West*. Edinburgh: Edinburgh University Press, 1981.
- Maravall, José Antonio. "Del régimen feudal al régimen corporativo en el pensamiento de Alfonso X." *Boletín de la Real academia de la historia* 157 (1965): 213–66. Also in his *Estudios de historia del pensamiento español: edad media*. Madrid: Cultura Hispánica, 1967–84. 87–140.
- Martínez Martínez, Julio Gerardo. *Acerca de la guerra y de la paz: los ejércitos, las estrategias y las armas según el libro de las Siete partidas*. Cáceres: Universidad de Extremadura, 1984.
- Muntaner, Ramon. *The Chronicle of Muntaner*. Trans. Henrietta Goodenough. 2 vols. London: Hakluyt Society, 1920–21.
- . *Crònica*. In *Les quatre grans cròniques*, ed. Ferran Soldevila. Barcelona: Editorial Selecta, 1991. 665–1000.
- Nieto Soria, José Manuel. *Fundamentos ideológicos del poder real en Castilla (siglos XIII–XVI)*. Madrid: Eudema, 1988.
- O'Callaghan, Joseph F. *Alfonso and the Cantigas de Santa Maria: A Poetic Biography*. Leiden: E.J. Brill, 1998.
- . *Alfonso X, the Cortes and Government in Medieval Spain*. Brookfield, Vt.: Ashgate Publishing, 1998.
- . "The Ideology of Government in the Reign of Alfonso X of Castile." *Exemplaria hispanica* 1 (1991–92): 1–17.
- . "Image and Reality: The King Creates His Kingdom." In *Emperor of Culture: Alfonso X the Learned of Castile and His Thirteenth-Century Renaissance*, ed. Robert I. Burns, S.J. Philadelphia: University of Pennsylvania Press, 1990. 14–32.
- . *The Learned King: The Reign of Alfonso X of Castile*. Philadelphia: University of Pennsylvania Press, 1993.
- Pacheco Caballero, Francisco Luis. "Reyes, leyes y derecho en la alta edad media castellano-leonesa." In *El dret comú i Catalunya*. V Simposi Internacional del Dret Comú i Catalunya. Barcelona: Fundació Noguera, 1996. 165–206.
- Pennington, Kenneth. *The Prince and the Law, 1260–1600: Sovereignty and Rights in the Western Legal Tradition*. Berkeley: University of California Press, 1993.
- Peter III the Great, king of Aragon-Catalonia. "Ordenaments de Pere 'lo Gran' e Anfos 'lo Liberal'." *Boletín de la Real academia de buenas letras de Barcelona* 5 (1909–10): 99–105.
- Plaza Serrano, Gonzala. "La tenencia de castillos y su entrega al señor en la II Partida de Alfonso X." In *Congreso internacional conmemorativo del VIII centenario de la batalla de Alarcos*, ed. Ricardo Izquierdo Benito and Francisco Ruiz Gómez. Cuenca: Universidad de Castilla-La Mancha, 1996. 589–95.
- Powers, James. *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages*. Berkeley: University of California Press, 1988.
- . "Two Warrior Kings and Their Municipal Militias: The Townsman-Soldier in Law and Life." In *The Worlds of Alfonso the Learned and James the Conqueror: Intellect and Force in the Middle Ages*, ed. Robert I. Burns, S.J. Princeton, N.J.: Princeton University Press, 1985. 95–117.
- Procter, Evelyn. "The Castilian Chancery During the Reign of Alfonso X, 1252–1284." In *Oxford Essays in Medieval History Presented to Herbert E. Salter*. Oxford: Clarendon Press, 1984. 103–21.
- Pryor, John H. *Geography, Technology, and War: Studies in the Maritime History of the Mediterranean, 649–1571*. Cambridge: Cambridge University Press, 1988.
- Riaza Martínez Osorio, Román. "Las Partidas y los Libri feudorum." *Anuario de historia del derecho español* 10 (1933): 5–18.
- Rodríguez García, José Manuel. "Idea and Reality of Crusade in Alfonso X's Reign: Castile and León 1252–84." In *Autour de la première croisade: actes du Colloque de la Society for the Study of the Crusades*

- and the *Latin East, Clermont-Ferrand, 22–25 juin 1995*, ed. Michel Balard. Paris: La Sorbonne, 1996. 379–90.
- Roma, Jean-Luis Hague and Patricia Zambrana Moral. “Banquets et manières de la table de roi dans le droit des *Siete Partidas*.” In *Banquets et manières de table au moyen âge*. Aix-en-Provence: Centre Universitaire d’Études et de Recherches Médiévales, 1996. 55–97.
- Ruiz, Teofilo. “Unsacred Monarchy: The Kings of Castile in the Late Middle Ages.” In *Rites of Power: Symbolism, Ritual and Politics Since the Middle Ages*, ed. Sean Wilentz. Philadelphia: University of Pennsylvania Press, 1985. 109–44.
- Sablonier, Roger. “The Aragonese Royal Family Around 1300.” In *Interest and Emotion: Essays on the Study of Family and Kinship*, ed. Hans Medick and David Sabean. Cambridge: Cambridge University Press, 1984. 210–39.
- Sarthou Carreres, Carlos. *Castillos de España (su pasado y su presente)*. Madrid: Espasa-Calpe, 1963.
- Socarras, Cayetano de. *Alfonso X of Castile: A Study on Imperialistic Frustr[er]ation*. Barcelona: Ediciones Hispam, 1976.
- Solalinde, Antonio G[arcía]. “Una fuente de las *Partidas*: la *Disciplina clericalis* de Pedro Alfonso.” *Hispanic Review* 2 (1934): 241–42.
- Trenchs, Josep. *Casa, corte y cancillería de Pedro el Grande (1276–1285)*. Rome: Bulzoni Editore, 1991.
- VanLandingham, Marta. “The Court and the State in the Middle Ages: The Administration and Household of Pere the Great of the Crown of Aragon, 1276–1285.” Unpublished doctoral dissertation, University of California at Los Angeles, 1997.
- Vegetius. *Vegetius: Epitome of Military Science*. Ed. and trans. N. P. Milner. Liverpool: Liverpool University Press, 1996.

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## HERE FOLLOWS

### THE SECOND PARTIDA OF THIS BOOK.

WHICH TREATS OF EMPERORS, KINGS, AND OTHER GREAT  
LORDS OF THE LAND, WHOSE DUTY IT IS TO PRE-  
SERVE IT WITH JUSTICE AND TRUTH.

## INTRODUCTION.

We have shown in the First *Partida* of this book how the Catholic Faith of Our Lord Jesus Christ should be believed, honored, and preserved. This we have done for a just reason, because God is first in rank, the beginning, the middle, and the end of all things. And we have also spoken of prelates and all the clergy who are appointed to believe in the Faith and observe it themselves, and to explain to others how they should believe and observe it. And although they are required to do this, as we have said, nevertheless, for the reason that matters must be observed with regard to the Faith, which not only relate to open enemies who do not believe in it, but also to wicked and audacious Christians who do not obey it, and are unwilling to observe it or defend it; and because this is something which should be forbidden and severely punished, which members of the clergy cannot do, for the reason that their power is spiritual, and replete with goodness and mercy: therefore Our Lord God placed another and a temporal power upon the earth by means of which this could be accomplished, so that the justice which he loved might be administered on earth by the hands of emperors and kings. These are the two swords by which the world is maintained, one the spiritual, the other the temporal. The spiritual sword cuts off hidden evils, and the temporal one those which are manifest, and to these two swords Our Lord Jesus Christ referred on Holy Thursday, when he asked his disciples, for the purpose of trying them, whether they had arms with which they could defend him from those who were going to take him away, and they said they had two swords, to which he replied, as one who knew all things, that they were sufficient. For undoubtedly these suffice, since in them is included man's punishment in spiritual, as well as in temporal matters, and, therefore, these two powers are united in the Faith of Our Lord Jesus Christ, in order to render justice perfectly to the soul and to the body. Wherefore, it is proper, for a just reason, that these two powers should be always in accord, so that each one may assist the other with its authority; for, if either one should disagree with the other, it would be contrary to the commandment of God, and would necessarily weaken the Faith and justice, nor could the earth remain long in good condition, or in peace, if this should take place.

Then, for the reason that we have, in the First *Partida* of this book, spoken of spiritual justice and the matters which pertain to it, according to the ordinances of the Holy Church; it is proper that, in this Second *Partida*, we draw attention to temporal justice, and to those whose duty it is to maintain it. We shall first speak of emperors and kings, who are the most noble and honorable of persons, and whom this concerns more than other men, and also of other great lords, and we shall point out what kind of persons they should be. Moreover, we shall show how they should govern their countries and their king-

doms, and use and profit by the property belonging to them, and how they should act towards their people, and their people towards them. And, we shall treat hereafter, in its place, of each one of these subjects according as learned and wise men explain them, and show why it is proper, for just reasons, that these things should be done and observed.



## TITLE I.

### Which Treats of Emperors, and Kings, and Other Great Lords.

Emperors and kings are the most noble of men, and persons greater in honor and in power than all others in maintaining and protecting the land with justice, as we have stated in the beginning of this *Partida*. And, because they are, as it were, the beginning and the head of others, therefore we desire to speak first of them. We shall show what they are, and why they are so named; why it is proper they should exist, and what positions they occupy; what power they possess, and how they should make use of it; and afterwards we shall speak of the other great lords.

## LAW I.

### What Empire Is, and Why It Is So Called, Why It Is Proper It Should Exist, and What Rank It Holds.

Imperium is a great dignity, noble and honored above all other temporal offices which men can hold in this world. For the lord on whom God confers such an honor is both king and emperor, and to him belongs, according to law, the power granted by the people in former times to govern and maintain the empire with justice. For this reason he is styled emperor, which means commander, because all persons of the empire obey his commands, and he is not bound to obey any one except the Pope, and that only in spiritual matters. And it is proper that one man should be emperor, and possess this power in the land for many reasons. First, to remove discord from among the people, and unite them; which could not be done if there were many emperors, because, according to nature, sovereignty does not require a companion, nor does it have need of one; although, under all circumstances, it is proper that there should be good and learned men to give the emperor advice and assistance. The second reason is, in order to make regulations and laws by means of which the people of his dominions may be equitably judged. Third, to restrain the proud and the unjust, and evil-doers who, by their wickedness or power, dare to do injury or wrong to their inferiors. The fourth, to protect the faith of Our Lord Jesus Christ, and destroy its enemies. Moreover, wise men declared that the emperor is the vicar of God in the empire, in order to dispense justice in temporal matters, just as the Pope does in those which are spiritual.

## LAW II.

### What Power the Emperor Possesses, and How He Ought to Make Use of the Empire.

The power which an emperor possesses is of two kinds, the one *de jure*, the other *de facto*. That which he has *de jure*, enables him to make a new law or decree and change an old one, if he thinks that this is for the common good of his people, and, moreover, when the law is obscure he has the power to interpret it, and he can also abolish a custom which is practiced, when he considers it injurious, and make a new one which is good. He also has the power to pass sentence and impose punishment, in all the provinces of his empire, when men give him cause to do so: and no one else has power to do this, except he whom he orders, or some one to whom this was conceded, as a privilege, by the emperors. He has likewise authority to impose tolls, and give permission to hold

new fairs, in places where he thinks he should do so, and no one else has this power. And, by his order, or his grant, money can be struck in the empire and although many great lords coin metals, no one has a right to do this in his own country, except him to whom permission was given to do so. He alone, moreover, has the power to establish the boundaries of provinces and towns. By his command war, truce, and peace are made; and where a dispute arises concerning the privileges which he, or other emperors who preceded him, conferred, he, and no one else, must decide a contest of this kind. He also has authority to appoint governors and judges in the country, who may decide causes in his stead, according to law and justice. He has the power to receive from them provisions, tributes, and taxes, in the same manner that other emperors were accustomed to do. And although men belonging to the empire have entire control over the property which is theirs by inheritance, nevertheless, when one of them makes use of it contrary to law, or in a way he should not do, the emperor has authority to correct and punish him, as he deems proper. Moreover, we decree that when an emperor desires to take lands, or any other property, from any person, either for himself, or to give it to some one else; although he is lord of all those in the empire in order to protect them from violence, and preserve them by justice, he has nevertheless no authority to deprive anyone of his property without his consent, unless he does something on account of which he should lose it by reason of law. And where it happens that the emperor was compelled to take it, for the reason that he had need to make disposition of it for the common benefit of the country, he is required by law to give beforehand something in fair exchange for said property which is worth as much, or more, so that the owner is remunerated in the sight of all good men. For, although the Romans who formerly obtained the dominion of the world by their power, created an emperor, and conferred upon him all the authority and sovereignty which they possessed over nations, in order to maintain and defend lawfully the common good of all; nevertheless, their understanding was not to make him owner of the property of every one, so that he could take it at his will, but that he could do so only for some of the reasons above stated. A lord acquires this authority as soon as he is chosen by all, or a majority of those who have power to elect him king in that locality, where those who were formerly elected emperors were accustomed to be chosen.

### LAW III.

#### What Power the Emperor Has De Facto.

An emperor should be powerful *de facto*, in order that his authority may be so complete and well regulated that he can do more than other persons of his dominions to exert force and compulsion upon those who are unwilling to obey him. In order to obtain authority of this kind, it is necessary that he should be master of the body of knights, and divide them, and so commend himself to their commanders that they may entertain affection for him, and hold their knights for him and under his control, so that they may recognize him as their lord, and those who command them as their leaders. He should also exercise authority over the castles, fortresses, and ports of the empire, and especially over such as are situated on the barbarian frontier, and over those of other kingdoms where the emperor has no authority, so that all the entrances and the outlets of the empire may be in his hands, and under his control. Moreover, he should have wise, learned, loyal, and faithful men to aid and serve him in such matters as are necessary for his counsel, and to enable him to dispense law and justice to the people. For he alone cannot see or decide everything, and for this reason he necessarily requires assistance from others in whom he

trusts, who may act in his stead, employing the power which they receive from him, in such matters as he could not, by himself, accomplish.

Moreover, wise men have declared that the greatest and most perfect authority that an emperor can exercise *de facto* in his dominions, is when he loves his people and is beloved by them. They showed that this love could be gained and increased through the emperor administering exact justice to such as had need of it; and by his sometimes showing mercy where he could do so for some proper reason, and by honoring his people in word and in deed, and by exhibitions of his power, and by his love of great undertakings and for performing great deeds, and doing important things for the benefit of the empire. They also stated that an emperor, although he may love his people, and they him, could lose that love in three ways. First, when he was manifestly unjust; second, when he despised and degraded the men of his dominions; third, when he conducted himself so harshly towards them that they were compelled to entertain great fear of him.

#### LAW IV.

##### How An Emperor Should Make Use of His Authority.

There are two seasons, as the ancient sages state, during which emperors should make use of those things which are necessary for the direction of what they have to do in each of these periods. One of these is the time of peace, the other that of war. In time of peace, they should prepare themselves, and provide all things which are necessary for the time of war, in order that they may have them ready, and be the better able to aid themselves by means of them, when this becomes necessary. Moreover, they should, during this same time, act intelligently in the government of their people and their country; adopting suitable measures, by means of laws, regulations, and taxes, and employing them against the proud and the unjust, giving to each one that to which he is legally entitled.

They should also arrange and regulate their revenues, and all their property, so that it may be well prepared, and they can take advantage of it; for although the wealth of an emperor may be very great, if it is not well regulated, he can profit but little by it. He should, moreover, exert himself in a proper way, to collect a certain amount of treasure, to which he can have recourse when he performs some great deed, and which may be brought to light at the proper time, in order that he may the more easily begin and finish his undertaking. Moreover, the ancient sages said, that an emperor, in time of war, should make use of arms, and of all those things with which he can assist himself against his enemies by sea or land. They also showed that an emperor ought to advise with honorable men and knights, concerning the affairs of war, as well as with such others who understand it, and have to take part in it when it is necessary. He should use his authority, aided by their advice, in the same manner as he is guided by the counsel of persons learned in the law, in settling the disputes which arise among men.

#### LAW V.

##### What a King Is.

Kings, each one in his kingdom, are the vicars of God, appointed over people to maintain them in justice and in truth in temporal matters, just as an emperor does in his empire. This is fully explained in two ways. The first of these is the spiritual, as the prophets and the saints, on whom our Lord conferred the favor of knowing things with certainty and making them under-

stood, defined it. The second is, according to nature, as wise men who were acquainted with all things in a natural way, explained it. The saints declared that a king is placed on earth in the stead of God, in order fully to dispense justice, and give each one his rights, and therefore the king is called the heart and soul of the people. For, as the soul is contained in the heart of man, and by means of it the body lives and is sustained; so justice, which is the life and the support of the people of his dominions, is placed in the king. Moreover, as the heart is one, and from it all the other members of the body receive unity, in order to constitute one body; so also, all the persons of a kingdom, although they may be many in number, for the reason that the king is, and should be, but one, should be united with him, to serve him and assist him in all those things which he has to do. And, naturally, the wise men declared that the king is the head of the kingdom, for, as from the head originate the feelings by which all the members of the body are controlled; so also by the commands which originate from the king, who is the lord and head of all the people of his kingdom, they should be directed and guided, and act in harmony with him, to obey him, and support, and protect, and aggrandize the kingdom, of which he is the soul and head, and they are the members.

#### LAW VI.

##### What the Word King Means, and Why He Is So Called.

The word king means governor, for undoubtedly the government of the kingdoms belongs to him; and, the ancient sages, and especially Aristotle, in the book called *Politeia*, said, in the time of the pagans, that the king was not only the leader and the commander of armies and the judge over all those in the kingdom, but he was also lord in spiritual matters, whose ceremonies were then performed through reverence and honor for the gods in whom they believed. For this reason they were called kings, because that they govern in temporal as well as in spiritual matters. And the king especially derived his name from Our Lord God, for, as He is called king over all kings, because they derived their name from Him and He governs them, and maintains them in their places on earth, in order to dispense justice and law; so they are bound to maintain and protect the persons in their dominions in justice and in truth. The wise men also stated another reason why the king is so called, for they declared that king means the same as a rule, for, as by means of it all curves are detected and straightened, so also by means of the king mistakes are discovered and corrected.

#### LAW VII.

##### Why It Is Proper There Should Be a King, and What Position He Occupies.

The ancient sages gave many true reasons why there should be a king, in addition to those we have above stated concerning the emperor. And although, on account of the honor of the empire, we spoke of him before the king, nevertheless, in former times, there were kings before there were emperors. One of the reasons that they gave on account of which it is proper that there should be a king, is because all living things, by nature, carry with them everything that they require, so that it is not fitting that anyone else should provide them with necessities from another source. For, so far as concerns clothing, they are already clothed, some with feathers, some with hair, others with hides, others with scales and shells, each one according to his nature, for which reason they have no need to weave in order to make themselves clothing. Moreover, some have beaks, others teeth, others claws, others horns, stings, or quills for the purpose of defence, wherefore it is not suitable for them

to look for other arms with which to protect themselves. Also, with regard to what they eat and drink, each finds what is necessary for him, so that they do not have to look for anyone to cook for them, or for anything with which they can give it a good flavor, nor do they have to purchase it, or work for it. But man has nothing of all this for himself, except through the aid of many persons, who seek for, and bring together, those things which are suitable for him. The collection of these cannot be made without justice, which cannot be done except by superiors, whom others are obliged to obey. And, as these are many in number, it is unavoidable that sometimes they should disagree, because the minds of men are naturally different and some desire to be of greater importance than others. For this reason it was necessary, for the sake of just authority, that there should be one person who should act as their head, by means of whose wisdom they should agree and be guided, as all the members of the body are guided and commanded by the head. Wherefore it was proper that there should be kings, and men accepted them as lords.

There is another spiritual reason which was given by the prophets and the saints why there were kings, and this is the following, namely: that the justice which Our Lord God had to dispense in the world, in order that men might live together in peace and amity, required that some one should act for Him in temporal matters, giving to each one his rights according to his deserts. And the king occupies the position of God, in order to dispense justice and law in the kingdom of which he is the lord, just as the emperor occupies such a position in his empire, as we have above stated. And this is all the more true because the king holds his position through inheritance, and the emperor his by election.

#### LAW VIII.

##### **What the Authority of the King Is, and How He Should Make Use of It.**

It is a well known fact that all those powers which we mentioned above that emperors possess, and should exercise over the people of their empire, are possessed to the same, and even to a greater extent, by kings in their kingdoms. For the latter are not only the lords of their lands as long as they live, but they can even at death leave them to their heirs, for the reason that they hold their sovereignty by inheritance, which emperors cannot do, because they obtain theirs by election, as we have previously stated. Moreover, a king can grant a town or castle of his kingdom, as an inheritance, to whomever he may desire, which an emperor cannot do, for the reason that he is bound to increase his empire, and never diminish it: although he can grant territory to another as a fief, on account of service which he has rendered him, or which he promises to render, in consideration of it. A king can also make use of, and obtain aid from the people of his kingdom, in many ways when this is necessary, which an emperor cannot do. For the latter cannot employ compulsion against his subjects of the empire, on account of any distress in which he may be, in order that they may give him more than they were accustomed formerly to give to other emperors, unless he does this with their consent. A king, however, can demand and take from a kingdom, not only what other kings who preceded him were accustomed to do, but even more, when he has such great need of it for the common benefit of the country that he could not avoid doing so just as other men, in times of distress, have recourse to what is their own by inheritance. We also decree that a king should use his authority at such times and in the same way in which we stated above the emperor can, and should make use of his.

## LAW IX.

**In What Ways the Sovereignty of a Kingdom Is Obtained.**

He is legitimately called king, who justly obtains the sovereignty of a kingdom, and he can obtain it justly in these four ways. First, when the eldest son, by way of inheritance, inherits the kingdom, or when any of the others who are most nearly related to the king at the time of his death do so. Second, when anyone obtains it from all the people of the kingdom, who select him as lord, where there is no relative who can inherit the sovereignty of the deceased king *de jure*. The third way is through marriage; and this happens when anyone marries a woman who is the heiress of the kingdom, who, although he may not belong to the race of kings, can be styled king after he has married her. The fourth is, by grant of the Pope or emperor, when either of them creates a king in those countries in which they have the right to do so. Therefore, where kings obtain their sovereignty in any of the ways we have mentioned above, they are legitimately called kings. Moreover, they should always consider the common good of their people rather than their own, because the prosperity and wealth of the former, is, as it were, their own. They should also love and honor those of superior rank, those of moderate station, and those who are inferior, each according to his condition; be pleased with the society of the learned; associate with those who are intelligent; foster love and harmony among their people, and maintain justice by giving to each one his rights. They should place more confidence in their own people than in strangers, for the reason that they are their lords by nature, and not through compulsion.

## LAW X.

**What the Word Tyrant Means, and How a Tyrant Makes Use of His Power in a Kingdom, After He Has Obtained Possession of It.**

A tyrant means a lord who has obtained possession of some kingdom, or country, by force, fraud, or treason. Persons of this kind are of such a character, that after they have obtained thorough control of a country, they prefer to act for their own advantage, although it may result in injury to the country, rather than for the common benefit of all, because they always live in the expectation of losing it. And, in order that they might execute their desires more freely, the ancient sages declared that they always employed their power against the people, by means of three kinds of artifice. The first is, that persons of this kind always exert themselves to keep those under their dominion ignorant and timid, because, when they are such, they will not dare to rise up against them, or oppose their wishes. The second is, that they promote disaffection among the people so that they do not trust one another, for while they live in such discord, they will not dare to utter any speech against the king, fearing that neither faith nor secrecy will be kept among them. The third is, that they endeavor to make them poor, and employ them in such great labors that they can never finish them; for the reason that they may always have so much to consider in their own misfortunes, that they will never have the heart to think of committing any act against the government of the tyrant.

In addition to all this, tyrants always endeavor to despoil the powerful, and put the wise to death; always forbid brotherhoods and associations in their dominions; and constantly manage to be informed of what is said or done in the country, trusting more for counsel and protection to strangers, because they serve them voluntarily, than to natives who have to perform service through compulsion. We also decree that although a person may have obtained the sovereignty of a kingdom by any of the methods mentioned in the

preceding law, if he should make a bad use of his power in any of the ways above stated in this law, people can denounce him as a tyrant, and his government, which was lawful, will become wrongful; as Aristotle stated in the book which treats of the government of cities and kingdoms.

### **LAW XI.**

#### **Who the Other Great and Honorable Lords Are, Who Are Neither Emperors Nor Kings.**

The other lords whom we mentioned above, and who possess the honor of sovereignty through inheritance, are princes, dukes, counts, marquises, judges, and viscounts. The Emperor of Rome was formerly called a prince, for the reason that the sovereignty of the empire originated in him, and it is a general name which is applied to kings; however, in several other countries it is the title of a special dignity, as in Germany, in the Morea, and in Antioch: and it is not customary to designate dignities by this name, other than those above mentioned. A duke means the principal leader of an army, who, in ancient times, received this office from the hands of the emperor; and, on account of this dignity, which was one of distinguished honor, the emperor endowed those who held it with great estates, which are now called duchies, and those who hold them are, for this reason, styled vassals of the empire. A count means a companion who daily accompanies the emperor or the king, rendering him special service: and there are some counts who are called palatines, who are the same as counts of the palace, because they remain there with the sovereign, and render him service continually, and the landed estates given to these officials are called counties. Marquis means the lord of some great district which is included within the territory of a kingdom. A judge means one who renders decisions, and it is not customary to give this title to any lord, except to the four who judge and rule in Sardinia. A viscount means an official who occupies the place of a count.

### **LAW XII.**

#### **What Powers the Above Named Lords Possess, Who Hold the Government of Lands by Inheritance.**

Princes, dukes, and other great lords of whom we spoke in the preceding law, possess sovereignty by inheritance, and it is proper they should do so for the following reason, namely; because the emperor and the king, although they are great lords, cannot either of them accomplish more than one man; wherefore it was necessary that they should have honorable men in their courts who might serve them, and by whom the people might be governed, and who might act in their stead, in such matters as they had to attend to by their commands.

Each one of these has authority in his own district to dispense justice, and to perform all other acts relating to jurisdiction, as authorized by the grants which they receive from emperors and kings, who in the first place conferred upon them the government of the country, or according to the kind of government which they had administered for a long space of time; except that they cannot legalize anything, or make a law, or any new regulation, without the consent of the people. And they should use their power lawfully in other matters, in the countries where they are lords, in the same way we have stated in preceding laws that it is the duty of kings and emperors to do.

## LAW XIII.

**Who Are Called Catanes, Valvasores, Potestades, and Deputies, and What Powers They Have.**

*Catanes* and *valvasores* are those persons of noble rank in Italy who are called *infanzones* in Spain. Although the latter are of good and ancient lineage, and have vast landed possessions, nevertheless, they do not rank with those great lords whom we mentioned above. Moreover, they cannot, nor should they, exercise authority or dominion over the estates which they possess, except so far as this was conferred upon them by the grants of emperors and kings. Those are called in Italy *podestà* who are chosen governors of towns and great castles, and these have the power of judging according to law or *fueros* in those localities in which they have been appointed, and in those matters, and for such periods as have been granted them by the people of that locality, and no more. Those officials are called deputies who act as governors in the stead of emperors, and kings, and great lords in provinces, in counties, and in large cities, when the latter cannot be present in person; and these officials should exercise the authority which the lords who appointed them in their places possess, except where they expressly forbid them to do so.



## **TITLE II.**

### **What the King Should Be in the Knowledge, Love, and Fear of God.**

The knowledge of God is the first thing that every creature endowed with intelligence, should undoubtedly have. And since this greatly concerns men, in general, because they possess reason and understanding, emperors, kings, and other great lords who have to maintain countries, and govern people with the intelligence of reason and the rights of justice, should, above all, especially possess it. And for the reason that they cannot have these things without God, it is proper that they should know Him, and knowing Him, love Him, and loving Him, fear Him, and that they should know how to love Him and praise Him. Therefore, since in the preceding Titles we have treated of emperors, kings, and great lords, and why they are so called, and for what reason they should exist; we desire to state here how the king should know God and for what reasons, and besides how he should love, fear, and praise Him. In each one of the laws of this Title we shall show the benefit to be derived from this when it is well done, and, on the other hand, the injury resulting therefrom when it is not.

### **LAW I.**

#### **How the King Should Know God, and for What Reasons.**

The brain of man cannot, according to nature, accurately perceive what God is; but the best knowledge which he can obtain of Him, is gained by considering the marvelous works which He has done, and does each day: for by this he may understand that He is the beginning, the middle, and the end of all things; that in Him they are contained, and that He preserves each one of them in the condition in which He arranged them; that they all have need of Him but He has not of them; that He can change all things according to His will, whenever He so desires; and that this cannot happen with regard to Him, who is not altered or changed in any way. The king should also know God through belief, as the Catholic Faith of the Holy Church commands, and is explained in the First *Partida* of this book. For if he should not know Him in these ways, he will not know himself, or his own name, or the place which he occupies to dispense justice and law.

### **LAW II.**

#### **How, and for What Reasons, the King Should Love God.**

The king cannot be good, as he should be, if he does not love God above all the things of the world, and especially for His great kindness. For He possesses in Himself perfect generosity, moderation, and pity, and such is His grandeur that He gives to all things what is necessary for them, and to each what is proper. On this account Our Lord Jesus Christ said, that the generosity of God is so great that He causes the sun to rise upon the good and upon the wicked, and the rain to fall upon the just and upon sinners. Circumspect is He also, for He performs all His acts regularly and with reason, so that there is neither excess nor loss in them; and, concerning this, King Solomon said, that the kindness of God placed all things under a certain number, weight, and measure. He is so merciful that by His goodness He created all the world, with all things that are in it, and preserves them as it is fitting for each one, in order that they may not perish, or be lost. In addition to this He does not

desire to punish men for the faults which they commit, as He has the power to do, and as they deserve; but He rather pardons them, upon the sole condition that they return to him, repenting in their hearts; for their sins cannot be so great but that his mercy and his pity are always greater; as He himself said to Moses, when he sent him to King Pharaoh, and ordered him to tell him to permit the People of Israel to go into the desert to offer sacrifice; and Moses inquired of Him, if he were asked what God it was that commanded this what reply he should give, and He ordered him to say that it was that God who called men to account for the sins which they committed against Him unto the third generation, and who pardoned them without end.

In addition to all this, kings should love God on account of the great benefits which they receive from Him; as, for instance, in the distinguished honor which He does them by permitting them to be called kings, which is His own title, and, moreover, by reason of the position which He gives them to dispense justice, which is especially an attribute of His own authority; as well as on account of the people which He gives them to maintain, which is a well known work of His own compassion. Wherefore the king who truly knows God, and loves Him on account of the great goodness which is in Him, and fears Him in proportion to His exceeding power, is in every respect a Christian: for by knowing Him he will be compelled to believe and trust in Him; and by loving Him he will always have to endeavor to please Him: and by fearing Him he will avoid causing Him suffering, or anything by means of which he may suffer loss. Our Lord God, for this reason, will cause his people to know, and love, and fear Him justly in this world who does this, and He will also admit him to Paradise in the next, which is the greatest good and the highest honor above all others which can be obtained. And God will give the opposite of all this to him who, influenced by his wicked sins, does not act in this manner, and his punishment will be greater than that of any other man, in proportion as God manifested toward him great love in bestowing upon him honor and power.

### LAW III.

#### What the King Should Be to Have the Fear of God.

It is a law of Nature that man cannot love anything perfectly if he does not fear it, and this fear is of two kinds: first, lest he may do something whereby it may be lost; second, lest evil may result to him from it. And if men have this fear with regard to temporal affairs, much more should they have it with regard to God; and this is eminently the case with kings, who are peculiarly his own. Especially should they fear to do anything through which they may forfeit His love and his favor, but also lest He rage against them, so that He may be obliged to take vengeance.

He who fears God in this way must know Him, and truly love Him. For it is not sufficient for a king merely to know and love God, but it is necessary that after he knows Him that he love Him and fear Him: on the one hand, because He is powerful, and, on the other, because He is the dispenser of justice; and, besides, for the reason that he is required to give an account to Him in this world and in the next, since he occupies His place on earth. And, in addition to this, it is an important principle of law, that as a king wishes his people to fear him, so he should fear God. That they should do so King David showed in the Psalter, when he declared that the beginning of all wisdom is the fear of God: and he approved of this so strongly that he even said in another place: "Fear God, Ye saints, for nothing can happen to those who fear Him." This saying is particularly applicable to kings, on account of the sacred position which they occupy in order to dispense justice and mercy, and that truth may be maintained among men: for all these things are very holy and

much beloved by God: and when kings fear Him in this way, nothing will be lacking to them for the accomplishment of all the good which they desire to do. Moreover, Our Lord Jesus Christ, referring to the power of God, said, that man should not only fear those who kill the bodies of men, but also Him who has the power to kill both body and soul in the fires of hell.

There is still another reason why they should fear him greatly; for, since all the minds of men are under the control of God, those of kings are especially so on account of the great deeds which they have to perform. Concerning them King Solomon said, that the hearts of kings are in the hands of God, and that He turns them in whatever direction he desires. Therefore, it is shown by this that Our Lord has great power over them, since in this world he changes their minds, and in the other inflicts punishment upon them, as he thinks best. For which reason it is, in all respects, proper that kings should fear God, for if they do not fear him they will not know him, or have true love for him: and, not loving him, they will not fear him, nor will they know how to avoid causing him sorrow. Thus they will err in all the ways which we have mentioned above, in whatever they are bound to do: and the penalty that He will inflict upon them will be greater than that of other men; and he will punish them in this world as well as in the next, like slaves that do not appreciate the good which they receive from their master, or know how to love him on account of the favors which he does them, or how to fear him on account of his great justice and power.

#### LAW IV.

##### How the King Should Serve and Praise God.

All men, and especially kings, should serve and praise God, as created things should their creator. Kings should serve him in two ways; first, by maintaining the Faith and obeying its commandments, by employing force against its enemies, and by honoring and preserving the churches, their rights and their servants; second, by preserving the peoples and the nations of whom God makes them lords, in order to give to each one justice and right, in its proper place. They should also praise His holy name, on account of the great benefit and honor which they receive from Him, for the wise men and the saints declared that those who are the recipients of the most exalted grandeur, and the greatest gifts from Our Lord, are more bound to serve and praise Him than others. They should give this praise with their minds and with their words, at all times, whether things happen to them as they desire, or in some other way; and by so doing, they show that they acknowledge the benefit and the favor which they receive from God, and other nations will take a good example from them. Moreover, God directs the minds of those under their dominion, that they may serve them loyally, and give them praise, and please them with the good which they do; and, above all, God bestows upon them a good reward, for this reason, in another world. When they do not act in this manner they will experience the opposite in this world, as well as in the next.

### **TITLE III.**

#### **What the King Should Be in Himself, and Especially in His Thoughts.**

Man, according to Nature, possesses in himself three things; first, thought, by which he considers the acts which he has to perform; second, speech, by means of which he explains them; third, works, with which he accomplishes what he plans. For this reason, since in the preceding Title we have treated of what man should be with regard to God, we desire to state here what he should be in himself, and in his thoughts. We shall explain what thought is; why it is so named; whence it is derived; and how it should be carried into effect, and concerning what things, in order to result happily; and in each of the laws of this Title we shall show the injury which results from it when it is not carried out as it should be.

#### **LAW I.**

##### **What Thought Is, and Why It Is So Called.**

Thought is the attention with which men consider things past, present, and to come; and it is so called because, by means of it, man weighs all things to which, in his heart, he pays attention.

#### **LAW II.**

##### **Whence Thought Is Derived, and How It Should Be Carried Into Effect.**

Thought originates in the heart of man, and should exist, not with rage, nor with much sadness, nor with great covetousness, nor precipitately, but with reason, and concerning things which produce profit, and by means of which one can be preserved from injury; and in order that this might be the better accomplished, the sages declared that it was necessary for the king to protect his heart in three ways. First, he should not involve it in covetousness, or in great solicitude, in order to attain to excessive and unprofitable honors. Second, he should not desire inordinate wealth. Third, he should not be greatly inclined to vice. Each one of these three ways is explained hereafter, in the laws of this Title, as completely as the ancient sages defined them.

#### **LAW III.**

##### **The King Should Not Covet in His Heart Excessive and Unprofitable Honors.**

The king should not covet in his heart excessive and unprofitable honors, but he should rather protect himself against them, because whatever is in excess cannot last, and by being diminished and lost it turns to dishonor. Honor acquired in this manner always causes injury to him who obtains it, for there arise from it hardships, and great expense and damage by the loss of what he possesses, on account of his eagerness to secure it. Concerning this subject the sages declared that it was not less meritorious for a man to keep what he had, than to obtain what he did not possess: and this is the case because the keeping of anything depends upon wisdom, and the obtaining of it upon chance. For this reason a king who preserves his honor, so that it continually increases, and is never tarnished, and knows how to retain what is in his possession, so that he does not lose it for the sake of anything which he desires to secure, is considered a person of good intelligence, who loves what is his own,

and understands how to use it to advantage. He who acts in this manner will be protected by God in this world, so that he will receive no dishonor at the hands of men; and also in the next, so that he will not be dishonored with all the wicked in hell.

#### LAW IV.

##### A King Should Not, in His Heart, Covet Excessive Riches.

A king should not covet excessive riches for the sake of keeping them, and not doing good with them. For, naturally, he who desires them for this purpose, must necessarily commit great sins in order to obtain them, which is by no means becoming in a king. Both saints and sages agree upon this point, namely: that covetousness is a very wicked thing, for they said, with regard to it, that it is the mother and the root of all evils. And they said of it, besides, that a man who eagerly desires to collect great treasures, but not for the purpose of doing good with them, although he may have them in his possession, is not their master, but their slave; since avarice prevents him from making use of them in a way which would be to his credit. A man of this kind is said to be guilty of avarice, which is regarded by God as a great and mortal sin, and a serious and evil condition in the world. For since every man sins who acts in this manner, how much more so does a king, upon whom God will inflict punishment because he made a bad and miserly use of the property which He bestowed upon him.<sup>1</sup>

#### LAW V.

##### A King Should Not Be Given to Excessive Vice.

It is not becoming for a king to desire to become very vicious, for vice is of such a nature that the more a man practices it the more he loves it. From it arise great evils; for it diminishes the intellect and the strength of the heart, and, of necessity, the king must neglect those things which he should do, on account of the pleasures of others which are vicious. Moreover, when a man practises it a great deal he cannot afterwards depart from it, and he adopts it as a custom, so that he naturally returns to it.

All those things above mentioned which treat of protecting the heart, agree with the words which King Solomon said, namely; that a man should exert himself in every way to protect his heart, as from it proceeds both life and death. And Our Lord Jesus Christ uttered a saying which agrees with this, when the Jews asked him why his disciples disregarded the commands of the law, and did not wash their hands when they ate; and he answered them, that those disregarded the law much more who ate with clean hands, but kept their hearts full of wickedness; and he proved to them by just reasoning that eating does not defile the hands of a man, so that they must be washed, but wicked thoughts do which issue from the heart from whence proceed all evil deeds, as, for instance, homicides, thefts, adulteries, and many other crimes.

<sup>1</sup> The Visigothic Code condemns in vigorous language the illegal acquisitions of princes. "*Deo mediante, legem ponimus, decretumque divinis observantiae promulgamus, ut nullus Regum impulsione suae quibuscumque motibus, aut factionibus scripturas de quibuslibet rebus alteri debitis ita extorqueat, vel extorquendas instituat, qualiter iniuste ac nolenter debitorum sibi quisque privari possit dominio rerum. Quod si alicuius gratissima voluntate quippiam de rebus a quocumque perceperit, vel pro evidenti praestatione lucratus aliquid fuerit, in eadem scriptura patens voluntatis ac praestiti conditio annotetur, per quam aut impressio principis, aut conferentis fraus evidentissime detegatur. Et si patuerit, aut certe post mortem eius ad eum, cui exacta est scriptura, vel ad haeredes eius rei ipsae sine cunctatione debeant revocari.*" (For. Jud. II-1-5.) We see from the above extract that the sovereign was prohibited from employing his power in any way to extort documents from a person by means of which he could be deprived of his property; that the character of every transaction by which he profited should be clearly set forth in the instrument by which it was concluded; and that where a contract was exacted from another against his will, through the fraud or force of the king, it must, at once, be declared void as against the party and his heirs who suffered by the extortion.—Ed.

Therefore the king must strive to do good to himself, and he must not be greatly addicted to vice. For, as wise men said, a man cannot obtain excellence without great solicitude, because vice is something which men naturally love, and goodness is to know how to protect themselves, so that they may not do something unbecoming to them through indulgence in vice. Moreover, a king who is compelled to undergo cares and hardships in order to maintain his people in justice and in right, should not be so given to vice that it will prevent him from doing this; for, if he neglects it on account of corporeal pleasure, leaving out of consideration the vileness and bad repute which he brings upon himself in this world, God will inflict upon him in the next, as punishment, all the troubles possible, because he devoted himself rather to the service of his own will, than to that which he was bound to render Him.

## **TITLE IV.**

### **What a King Should Be in His Speech.**

Speech is a grace which man, and no other animal, possesses. Wherefore, since in the preceding Title we have stated what the king should be in his thoughts; we desire to mention here what he should be in his words which arise from them. And we shall show what speech is, and in what it is of benefit; how many kinds there are, and how it should be uttered. Also what injury results from speech when it is not uttered as it should be.

#### **LAW I.**

##### **What Speech Is, and in What Way It Is Beneficial.**

According to what wise men have said, speech is something by which, when it is properly uttered, he who utters it explains what he wishes to say, and what is in his heart. It is productive of very great advantage when properly uttered; for, by means of it, men understand one another so that they act together more freely. For this reason every man, and particularly the king, should be very careful in his speech, so that it may be well considered and reflected upon, before he utters it; for, after it issues from his mouth, man cannot cause it to be unsaid.

#### **LAW II.**

##### **How Many Kinds of Speech There Are, and How They Should Be Spoken.**

Wise men have said that there are four different kinds of speech. First, when men utter words which are suitable; second, when they utter too many; third, when they speak too few; fourth, when they utter such as are incongruous. Those which are suitable are uttered in an elegant manner, and are in every way reasonable; those that are superfluous, are where too many are made use of concerning matters irrelevant to the nature of the fact concerning which they are spoken. On this subject Aristotle spoke to King Alexander, in the way of criticism, when he told him it was not becoming for a king to be a great talker, and that he should not utter what he had to say in a loud tone, except in a place where it was suitable: because the use of many words makes him who utters them contemptible, and, moreover, loud tones, exceeding moderation, prevent him from speaking with elegance. Wherefore, a king should be careful to have his words uniform and harmonious. For the words which he utters on subjects that are improper and without benefit, and which are not graceful or elegant in him who utters them; nor, on the other hand, to him who hears them; nor can the latter receive proper correction or good counsel from them; for such words are intemperate, and are called low, because they are vile and inelegant; and they should not be spoken before good men, and still less should they, and especially the king, make use of them.

Moreover, it is not proper for the king to utter useless and foolish words, for they cause great injury to those who hear them, and still more to those who utter them. With regard to this, Seneca, the philosopher, who was born at Cordova, said that it is not becoming to a man to mention publicly everything which it is improper to do. It is also said that bad words corrupt good manners: for which reason we declare that every kind of speaking of the character above mentioned, is intemperate. A king who utters words of this kind, will fall under the power of the tongues of men so that

they will say what they please of him, which is a great punishment, so far as concerns this world; and God will inflict vengeance upon him in the next, as being a person whom he placed in a position to speak well, and who spoke ill.

### LAW III.

#### **The King Should Watch His Mouth, to Avoid Uttering Foolish Speeches.**

The words of the king should not be foolish, and these are of two kinds. The first, when he departs from the truth, and knowingly tells a lie, to the injury of himself, or of someone else; for truth is just and uniform, and, as Solomon said, it does not like deviation or obliquity. Moreover, Our Lord Jesus Christ said of himself, that He was the truth: wherefore, kings who occupy his place on earth, and to whom it pertains especially to keep the truth, should be careful not to violate it by uttering false statements. The second kind of foolish speaking is, when a person utters such words so rapidly, that those who hear them cannot understand them. And, as learned men have stated although a man should use but few words, nevertheless, he ought not to speak in such a way as to not indicate well and plainly what he says. A king, more than anyone else, should observe this, for, if he does not, those who hear him will conclude that he does this through lack of understanding, or from some obscurity of intellect. When he habitually utters words which are not true, men will not believe him when they hear him, even though he may be telling the truth, and they will, for that reason, contract a habit of lying. Moreover, when he makes statements in such a way that they are unable to understand him, they cannot answer or advise him with regard to what he tells them; and, under either of these conditions, great injury will result to him, and great blame in this world and, in the next, God will punish him as one whom he placed upon earth in his stead to act and speak the truth, and he practised lying.

### LAW IV.

#### **The King Should Avoid Speaking Improper Words.**

The words of the king should not be improper, and there are two kinds of these. First, where he speaks in great praise of himself, for this is something which ill becomes any man, for, if he is good, his works will praise him; and as Seneca, the philosopher, said, he who praises himself much, degrades his own honor. Moreover, King Solomon said: "Let the mouth of another praise thee, and not thine own, for a man is praised by that of another, and not by his own." Nor should he praise anyone else by speaking better of him than he deserves, because praise of this kind is but flattery, which means false praise, and ill becomes every man who engages in it, and especially a king. For this reason Seneca said: "Whoever desires to praise anyone else should do so with moderation, for excessive praise is displaced, and becomes insult, and is one of the three kinds of insults, and the most contemptuous of all."

The other kind is, to speak ill of one's superiors or of God and his saints, and also of earthly lords, as, for instance, kings, whose natural vassals they are; or of those from whom persons are descended in the direct line, as, for instance, of their fathers, or their mothers, or their more distant relatives. For, to insult God is contrary to nature, as where the creature speaks ill of the Creator, and, moreover, to speak evil of him in whom no evil exists is something which cannot actually be. To insult the saints, is great folly, for men employ them as mediators between themselves and God; and for this reason persons who insult them, are like those who spit against heaven, and



it falls back upon their faces: for since the insults which are offered to the saints do not affect them, it necessarily happens that they recoil upon those who utter them. To speak evil of kings and other lords is audacity and disloyalty, as it is offering insult to those in whose power they are, and from whom they receive benefits. To speak insulting words of one's family, is a very evil practice, and is foolishness, and, moreover, it recoils as an insult upon the parties themselves. It is less fitting to utter the insults which we have mentioned against the king, than against anyone else: for since he is obliged to punish those who make use of such words, the more should they, themselves, refrain from uttering them.

The king should also avoid the third way of speaking ill of men, by insulting them when they are before him, or elsewhere, when they have done nothing to deserve it: for a king who insults men in his presence, in such a way that others hear it, appears rather to desire to defame them, than to punish them; and, by insulting them when they are not before him, or by imputing to them some offence of which they are not guilty, he shows that his speech is more an injury than a benefit, because those whom he stigmatizes are not present. Wherefore, a king should avoid all the words which we have mentioned. For leaving out the question of evil behavior, of which he will be guilty in uttering them, great injury to his people may result therefrom; as those who hear them may believe them to be true, and those persons against whom they were spoken, may, in this way, be rendered infamous. Aristotle reprov'd King Alexander in a case of this kind saying to him, that he should be very careful of the words which he uttered, because from the mouth of the king issued life and death to his people, as well as their honor and their dishonor, their evil and their good. The king should implore God to assist him in doing this, as King David said in his prayer: "Place, O Lord, a watch on my mouth, and a lock and a door on my lips." He especially mentioned a door, in order that it might be open to speak words which were proper, and be closed to keep silent those which should not be uttered. For which reason, where a king does not guard his mouth in this way, and is accustomed to utter the improper words which we have mentioned above, God will inflict severe punishment upon him in this world; for He will cause men to entertain contempt for his words, and boldly speak ill of him, by way of revenge; and, in the next world, He will impose upon him the penalty of injurious evil-speaking, which is a great sin, and causes God much sorrow.

#### LAW V.

##### **What Injury Results from Speech, When It Is Not Uttered as It Should Be.**

Great injury results to the king and to other men, when they utter wicked and villainous words, and such as are improper, because, after they are spoken, they cannot be recalled. For this reason a philosopher said, that it was better for a man to be silent than to speak, and that he should beware of loosening his tongue before men, and especially in the presence of his enemies, in order that they might not take advantage of his words, to do him injury, or wrong: for he who is loquacious cannot avoid making mistakes, and much speaking renders words contemptible, and causes secrets to be revealed. Where a man has not much intellect, others will ascertain his lack of it by means of his words; for as a broken pitcher is known by its sound, so is the brain of man known by his words.

## **TITLE V.**

### **What a King Should Be in His Works.**

Work is something which accomplishes and finishes what a man thinks and plans. Wherefore, since in the preceding Title we treated of what the king should be in his words we desire to state here what he should be in his works. We shall show what work means; why it is so called; how many kinds there are; in what it is productive of benefit when it is well done; and how it causes injury when it is not properly done. This is thoroughly explained in the laws of this Title.

### **LAW I.**

#### **What Work Is, and How Many Kinds There Are.**

Work is something which is begun, performed, and completed by action, and is derived from a Latin word called *opus*, which means the same as labor, and there are three kinds. The first is performed within a man, as, for instance in the control of his body, and the perpetuation of his race. The second is done externally, as by eating, drinking, and by his behaviour. The third is shown by his habits, his customs, and his other good qualities called virtues, or by their opposites.

### **LAW II.**

#### **A King Should Be Temperate in Eating and Drinking.**

A king should eat and drink at a convenient time, whenever he can do so, provided it is not too early, or too late. Moreover, he should not eat except when he has an appetite and only of such things as impart health and strength, and do not cloud the understanding. Whatever is served him should be clean and well cooked: for, as wise men said, eating was instituted for the purpose of living, and not living for the purpose of eating. They also declared that one of the noble qualities which a king ought to possess was to control himself well, and in a proper way, and for his own benefit. King Solomon spoke as follows: "Happy is that land which has a noble king for its master, and whose great personages eat at proper times, rather for the sustenance of their bodies, than for the gratification of inordinate appetites." And, concerning those who act in a contrary manner, he said: "Woe to that land whose king is a child, and whose nobles eat in the morning." He employed the symbol of a child, because children would rather eat than to do anything else. And, with regard to drinking, we declare that it is one of the things in the world against which the king should be greatly on his guard, because it should not be done except at such times as are necessary for the body, and, even then, it should be practised with great moderation. For it would be a very injurious thing if he, upon whom God conferred authority over all persons in his dominions, should permit wine to master him: for excessive drinking draws man from those things which are fitting for him, and impels him to do those which are outrageous. For this reason the ancients were accustomed not to give wine to their kings until they were of age, and then only moderately and sparingly. They did this because wine has great power, and is something which is opposed to every excellence, for it causes men to disown God and themselves, and reveal secrets, and alter judgments, and complicate disputes and remove them from justice and from law. And, in addition to all this, it weakens man's body, enfeebles his brain, makes him liable to many diseases,

and causes him to die before his time. Wherefore kings who do not pay attention to this, will receive from God, by way of punishment, much sickness and affliction in this world; and in the next He will cause them to be like those who adopt the life of beasts and abandon that of men.

### LAW III.

#### The King Should Be Careful How He Begets His Offspring.

The king should not seek vile and unsuitable women in order to obtain offspring, although it is natural that he should earnestly desire, like other men, to have sons to take his place. This should be avoided for two reasons: first, lest they degrade the nobleness of his line; second, in order that they be not begotten in unsuitable places. For a king degrades his lineage when he makes use of vile women, or of many of them, because, if he should have children by them, neither he nor his government will be so honorable: and also because he will not have them legitimately, as the law directs. By being much given to women in this way, he will sustain thereby great injury of body, and will lose his soul also by this means; for these are two things which ill become every man, and especially a king, wherefore King Solomon said that wine and women, when they are much used, cause even wise men to deny God.

Moreover, the king should carefully avoid obtaining offspring in improper quarters, as, for instance, by his relatives, or by his sister-in-law, or members of holy orders, or married women. For, leaving out of consideration the exceedingly great sin which he commits against God, and the very improper and evil example which he sets to the world, the children who are born of such women, cannot appear before men, without great shame to themselves, and to him who begot them. This is also contrary to what King David said: "That God blesses those whose children are around their tables, like the branches of young olive trees." For which reason, when a king does not desire to avoid this, God will diminish his goodness and his intellect in this world, and he will not receive the blessing which God promised to those who fear Him; and, in the next world, he, whom God honored and chose for His service, will share the punishment of those who violate His commandments by injuring and degrading their offspring.

### LAW IV.

#### A King Should Perform His Actions With a Good Demeanor.

Not only should the king observe caution in the two kinds of action which relate to the interior of his body, as we have shown in the preceding laws, but he should also be careful in regard to the other two, which are exterior, and relate to daily intercourse with men. The first of what we desire to speak now, is his demeanor: for, in this the king should be very correct, while walking, as well as standing; also while sitting, and riding on horseback; as well as when he eats or drinks, and when he lies down, or even when he gives a reason for anything; and as to his gait, it should not be too rapid, nor should it be loitering. He should not stand long, except in church while hearing the service, or on account of something else which he cannot avoid. Moreover, it does not become him to remain for a long time in one position, or to change his seat frequently, sitting down in one place, and then in another. When he rises up, he should not appear very straight nor very bent, this also should be the case while he is on horseback; and he should not ride too fast through a town, or linger too long on the way.

In eating and drinking he should be careful to do so in a well-bred manner, because this is something in which men cannot readily restrain themselves, on account of their great eagerness; and, for this reason, the king should be very circumspect, in order that he may not eat and drink too fast, or, on the other hand, too slowly: and he should be careful not to sleep too much, nor, when he retires, should he lie drawn up, nor across the bed, like some do who do not know where to keep their heads or their feet. Moreover, he should take care to assume a good mien when he speaks, especially as regards his mouth, his head, and his hands, which are members that are constantly employed by men in conversation. He should also be careful rather to explain by words, than by gestures, what he desires to say. The ancient sages, who considered everything minutely, showed that kings should observe all this which we have mentioned, in order that they may act with propriety; and this is the case because they are more accustomed to it, and more noble, for it is something which is especially suitable for them, as men imitate their example in what they see them do. With regard to this, the ancient sages said of them, that they resemble a mirror, in which men view their images, whether they display elegance, or its opposite. And, for another similar reason, they should be solicitous not to act improperly in these matters which we have mentioned; and this is because it appears worse in them than it does in other men, and they will be the more readily censured on that account. Moreover, God will not fail to punish them in the next world as being persons who should be polite and noble, because of the surpassing elegance and nobleness of their master whose place they occupy; while, on the other hand, they make themselves vile, and afford an example to others to be so.

#### LAW V.

##### A King Should Dress with Great Elegance.

Dress has much to do with causing men to be recognized either as noble, or servile. The ancient sages established the rule that kings should wear garments of silk, adorned with gold and jewels, in order that men might know them as soon as they saw them, without inquiring for them; and the bridles and saddles with which they ride, should be ornamented with gold, silver, and precious stones. Moreover, on grand holidays, when they assemble their Cortes, they should wear crowns of gold, richly decorated with magnificent jewels. There are two reasons for this; first, in order to indicate the splendor of Our Lord God, whose position they occupy on earth; second, that men may recognize them, as we have stated above, so as to approach them to serve and honor them, and ask favors of them, when it is necessary. All these honorable decorations, which we have mentioned above, should be worn by them at proper times and used by them in an elegant manner; and no one else should attempt to make use of them, or wear them; and he who does this in order to compare himself with the king, and occupy his position, should lose his life and all his property; as being a person who dares to usurp the honor and place of his master, without having the right to do so. Where a king consents that anyone may do this—leaving out of consideration the great degradation he would be guilty of on account of his bad behavior in this world—God will require an account of him for it in the next; as being a vassal who did not value the honor which his lord conferred upon him, or make use of it as he should have done. Where anyone, however, through presumption or want of understanding, acts contrary to what is stated in this law, the king should inflict such punishment upon him as he thinks he deserves.

**LAW VI.****A King Should Be Gentle, and What Distinctions Exist Between Habits and Manners.**

A king should have very good habits and manners. For, although he may be well-bred in his demeanor and his dress, if his habits and manners are not good, he will display much incongruity in his actions, for the reason that he will be greatly deficient in nobility and elegance. And because men hold that habits and manners are one and the same thing, since they originate from the same source, so far as they refer to the actions of men; we desire to show that there is a distinction between them, as the ancient sages have declared. For habits are excellent qualities which man has in himself, and obtains through long practice: manners are things which man performs by his own exertions through natural knowledge. These two virtues are very becoming to a king—and much more so than to another man—in order that he may know how to live properly and honorably; and also in order to govern his people well, by pointing out to them excellent examples, and showing them ways by means of which they may do good: for he cannot know God, or how to fear or love Him; or how to keep a watch upon his heart, or his words, or his actions, as we have stated above in other laws; or how to govern his people well; if his own habits and manners are not good. For this reason the saints, as well as the wise men of the ancients declared that a king should possess seven excellences, which they called the principal virtues, that is to say those which are perfect. Three of these are for the purpose of obtaining the love of God, and four are for the purpose of living well and justly in this world.

**LAW VII.****What Virtues a King Should Possess in Order to Obtain the Love of God.**

One of the seven virtues which we have mentioned in the preceding law is faith, by far the most important of the three, by means of which a man obtains the love of God through firmly believing what he does not see, and by strengthening his mind with regard to it, in the same manner as if he did see it. This causes all men to know God, whom they do not see, and, knowing Him, they believe in Him.

The second virtue is hope, for this leads man to have confidence that he will accomplish that in which he has faith; and by means of it there are certain men who, on account of the good they do, will be rewarded by God and earthly lords both in this world and in the next.

The third virtue is charity, which means the good and perfect love which man should entertain towards God, and towards all else to which he is indebted for benefits. For which reason he who possesses faith, hope, and charity, is beloved by both God and man, and he who does not possess them shall suffer the opposite.

**LAW VIII.****What Virtues a King Should Possess in Order to Live Justly in This World, and Have Good Habits.**

Prudence is the first of the four virtues we referred to in the third law preceding this, of which a king is greatly in need in order to live justly in this world: for this enables him to see and judge things accurately as they are and can be, and act in regard to them as he should do, and not precipitately. The second virtue is temperance, which means moderation; for this is some

thing which causes a man to live justly, not taking, or changing, or using things more than is appropriate to their nature and adapted to his condition. The third virtue is fortitude of heart; for this induces a man to love what is good and pursue it, and to exert himself constantly in promoting it, and to abhor evil, endeavoring always to eradicate it. The fourth virtue is justice, and it is the mother of all good, for in it all the others are included; for which reason, by uniting the hearts of men, it causes them to appear as one, in order to live equitably in obedience to the commands of God and their lords, by dividing and giving to each one his due, according to his deserts and what is suitable for him.

Wherefore, a king who possesses the four virtues mentioned in this law is truly entitled to this appellation, because he acts in all matters as a just monarch should. He who does not act in this manner—leaving out of consideration the severe punishment which Our Lord God will inflict upon him in the next world, as he shall deem proper—will not, in this world, be regarded as prudent, firm, moderate, or just.

#### LAW IX.

##### How a King Should Act Daily in Order to Be of Good Habits.

A king should practise daily two things, in order to be considered of good habits. First, he should be patient. Second, he should be temperate and moderate in his desires. And although in the preceding laws we have touched somewhat upon these matters, we desire here to explain them more fully, and show what each one is, and in what way the king should practice them. Wherefore, we declare that rage, anger, and hatred are three different things, which, though they appear to many to be one and the same are not so, for there is a great difference between them. For, as Aristotle and other wise men have pointed out, rage is an inflammation of the blood, which arises suddenly about the heart of man, on account of things which he sees or hears, or which he detests, or which afflict him; this, however, speedily passes away. Anger is ill-will which most frequently arises from the rage of man, when he cannot immediately gratify it: and for this reason it is rooted in his heart, calling to his mind the distress men have caused him, or the speeches they have made to him, and always keeping them fresh. Hatred endures forever, and is especially caused by anger of long standing, which is transformed into enmity, called *odium*, in Latin; and because great evils originate in the world from these three things, when men contract a habit of practising them as they should not do: kings should therefore be especially careful not to sin by practising them daily instead of good habits. With regard to this subject a knight, named Valerius, who was very wise, said that rage, anger, and hatred are three things which greatly torment the hearts of men over which they gain control: so that, on account of the great desire they have of carrying out their wishes against those whom they dislike, they live in constant vexation and anxiety, waiting for the proper time to do them injury, and by thinking on this they injure themselves, before they can do so to others. For which reason kings, more than other men, should be on their guard against this, for the reason that they are appointed in the place of God, to dispense justice; and this they cannot do thoroughly, if they do not beware of these three things; nor can they avoid sinning greatly against God, or being liable to the injury which arises from these three things.

**LAW X.****A King, More Than Anyone Else, Should Practice Patience While Angry.**

Kings should be constantly on their guard against rage, anger, and hatred, because these are opposed to good habits. The precautions which they should take against rage should cause them to be patient, in order that they may not be conquered by it, or impelled to do something which would ill become them, or be contrary to law; for whatever they do when influenced by it rather resembles revenge than justice. For which reason wise men declared that rage obstructs the heart of man in such a way that it does not permit him to distinguish the truth. And, in addition to this, it causes him to tremble, and lose his judgment, and change his color, and alter his behavior, and makes him grow old before his time, and die before his days are accomplished. Wherefore, King David said: "Be angry, but do not desire to sin." He said this because, by nature, man cannot exist without being angry, nevertheless, he should be on his guard, lest his rage make him sin. This king considered rage so powerful that he said to God, himself, in his heart: "Lord, when thou art enraged, do not reprove me, or punish me when thou art angry." On this account a king should be patient in his anger, until it has left him; and when he does this, he will derive great benefit from it, for he will be able to distinguish the truth, and act with justice as he should do; and where, under these conditions, he is not willing to do so, he will incur the wrath of God and man, which are the two greatest punishments that exist, because from them originate all others which can be inflicted upon the soul as well as upon the body.

**LAW XI.****A King Should Be on His Guard Against Anger, Lest It Cause Him to Sin.**

A king should not cherish anger for a long time, since he has authority summarily to prohibit evil deeds: and there are two reasons for this. First, in order that he may not receive bodily injury, for this is one of the worst effects of anger; as from it arises sadness, and protracted thoughts, which are two things that greatly injure the health and understanding of man, and shorten his life. For this reason King Solomon declared that a joyful spirit in man makes his life flourish in beauty: but that a gloomy spirit not only consumes the body, but gnaws away the bones. The second reason is, that he may not disgrace himself, for, since he has the power to forbid evil deeds, as above stated, if he does not desire to do so, and turns his anger against him who is guilty of the wrong, he thus disgraces himself and gives the other party encouragement to do evil; as, on account of the anger which he constantly cherishes, he places him on an equality with himself. And because the anger of the king is stronger and more harmful than that of other men, for the reason that he can the more speedily gratify it: he should be the more ready, when under its influence, to be able to suppress it. For, as King Solomon said: "The anger of the king is like the fury of the lion, at whose roaring all other beasts tremble, and do not know whither to betake themselves:" so in the presence of the king men do not know what to do, for they are always in anticipation of death. And for this reason he also declared that the anger of the king is the messenger of death. He also stated in another place that he who knows how to restrain his rage and his anger is the Lord of his spirit, and is one who is stronger than he who wins battles, or takes castles by force: and the Apostle Santiago said, that the anger of man does not permit justice, which is an attribute of God, to take effect. Moreover, the Apostle St. Paul said, while reproving men, that they should beware of anger,

which is something very injurious, and also that God is very much grieved on account of it. Wherefore, the king should not be angry against those who are in his power, for he is able at once to take just vengeance upon them for the evil which they commit, or to pardon them if he desires to show them mercy. And if he acts contrary to this he will provoke the wrath of God on account of it, and will also incur the displeasure of men.

## LAW XII.

### How a King Should Avoid Hatred.

Hatred is what is called *odium*, in Latin, and means, in Castilian, that ill-will which is constantly rooted in the heart of man. This is the third thing which a king ought, by all means, to avoid. For he should not entertain it in any degree against anyone who does not deserve it; for, if he does, he will show himself to be ungrateful and proud. Moreover, he should not cherish it against those who do good, for, in this case, he will show himself to be envious, and a man who is not pleased with kindness. Nor should he entertain it against any man because of the statements of others, unless for something which has been previously proved; for, if he does, he will show himself to be a man of weak intellect, and a believer in meddling. But he should undoubtedly evince hatred against the enemies of the Faith, and those who commit treason against the king or the kingdom; and against perfidious persons, forgers, and those who commit other great crimes which should be punished in every way without mercy. For a king should always display ill-will towards wicked persons, while they continue in their wickedness, for, if he did not do so, he would not have the power to dispense justice thoroughly, to maintain his country in peace, or to prove himself to be a good man. He should, moreover, show good-will to good men, and desire them to live in peace, and by doing this he will act according to the words which the angels spoke by order of God to the shepherds, when Our Lord Jesus Christ was born: "Praise to God in heaven, and, on earth, peace to men of good-will." Where, on the other hand, a king entertains hatred, if this is not for a just cause, as stated in this law, he will be detested by God and men.

## LAW XIII.

### A King Should Not Desire to Do Anything Which He Cannot Accomplish.

The eager desire for gain is something which men naturally possess, and whoever indulges this as he should do, and in matters which are proper, does not act wrongly. But when he abandons his proper station; is guilty of excesses; transforms himself into the worst person in the world; and acts contrary to all good habits; then, as above stated, this becomes the root of all evils, and, therefore, all men in the world should avoid it; and especially should kings do so because the affairs of their kingdom are placed in their power, to be maintained by justice and by law. This care should be exercised in three ways. First, they should not desire anything which cannot take place; second, they should not desire anything which ought not to take place; third, they should not desire anything at an unsuitable time. A king desires what cannot take place, when he covets the mastery of what cannot be accomplished by natural means, as, for instance, that of alchemy: and, for this reason, he will be considered destitute of understanding, and will lose his time and his property.



## LAW XIV.

**A King Should Not Desire to Do Anything Contrary to Law.**

A king should not covet anything which is contrary to law, for, as the sages who made the ancient laws said, a king should not desire this any more than that which cannot exist according to nature. And the saying of the noble Emperor Justinian agrees with this, when he declared, concerning himself and other emperors and kings: that, "Whatever he could do with justice constituted his power." In order to observe this it is necessary that the king should be just in his acts, and moderate in his expenses and his gifts, and not bestow great ones where they should not be given. For, in case he is just, he will not have a desire to do anything in which he may act wrongfully, or contrary to propriety. And, acting with moderation, he will have no reason to covet things which are intemperate and without benefit, and will act as King Solomon said, namely: "A king who is just and loves justice governs his country, and he who is too covetous destroys it." And although a king is the lord of his people, appointed to maintain them in justice, and to make use of them, nevertheless, he should take care of them, so that they may not fail him when he has need of them: for, as Aristotle said to Alexander: "The greatest treasure a king possesses, and the last which is lost, is his people when they are well cared for." And what the Emperor Justinian says agrees with this, namely: "The kingdom, or the chamber of the emperor or the king, are rich and overflowing, when his vassals are wealthy and his country prosperous."

For the reason above stated, a king has no cause to be covetous of great riches, for as Solomon said: "The man who is very avaricious keeps his house in sadness and in discord." He also said, elsewhere, that when avarice is excessive, it destroys and wastes the thoughts of man, so that he does not know what moderation is, or any beginning or end in coveting wealth: for although he may have amassed great riches, they do not satisfy him, but he rather constantly desires to possess more, and so ever lives like a beggar in poverty. Concerning this subject the wise Valerius said: "That a man ought greatly to beware of covetousness, for it causes those who have it in excess to seek gains and property secretly, which are injurious and are obtained by sin; and those which they obtain openly, they acquire wrongfully and in improper ways." And, because when covetousness is carried to excess, there result from it all the above mentioned evils, as well as many more, men should constantly guard against it, and especially should kings do so, on account of the honorable and powerful position which they occupy: for if they do not avoid coveting things which they should not, in addition to the penalty which God will inflict upon them for this reason, it cannot happen but that men will wish them evil and injury.<sup>1</sup>

<sup>1</sup> It is interesting to contrast with the long and minute enumeration of the estimable qualities which, according to the compilers of this treatise, should be possessed by a sovereign: the shrewd, practical, and worldly maxims of Machiavelli, written two centuries afterwards, which faithfully embody the principles of his age, but whose cold-blooded and deliberate atrocity is so marked as to make succeeding generations believe that they were ironical and insincere. It was one of his favorite sayings that in the character of the ideal ruler should be combined the natures of the lion and the fox. With reference to those vices which may endanger the power of a king he promulgates the following extraordinary political doctrine: "*Ed ancora non si curi d'incorrere nell'infamia di quelli vizj, senza i quali possa difficilmente salvare lo stato; perchè se si considererà bene tutto, si troverà qualche cosa che parrà virtù e seguendola sarebbe la rovina sua, e qualcun'altra che parrà vizio, e seguendola ne riesce la sicurtà e ben esser suo.*" Speaking of the virtues of piety, constancy, humanity, religion, and integrity, he says: "*Ad un principe adunque non è necessario avere tutte le soprascritte qualità, ma è ben necessario parere d'averle. Anzi ardirò di dire questo, che avendole sempre, sono dannose, e parendo d'averle, sono utili; come parere pietoso, fedele, umano, religioso, intiero, ed essere; ma stare in modo edificato con l'animo, che bisognando non essere, to possa e sappia mutare il contrario.*"

"Deve adunque avere un principe gran cura che non gli esca mai di bocca una cosa che non sia piena delle soprascritte cinque qualità e poi a vederlo e udirlo tutto pieta, tutto fede, tutto umanità, tutto integrità, tutto religione. E non è cosa più necessaria a parere d'averle, che quest'ultima qualità; perchè gli uomini in universale giudicano più agli occhi che alle mani perchè tocca a vedere a ciascuno, a

## LAW XV.

**A King Should Not Desire to Do Things at Times When They Should Not Be Done, as, for Instance, Things Relating to Pleasure in Times of Distress, and the Reverse.**

When the time is not proper for doing certain things, the king should not desire them to be done. And he will act in this way, when he wishes to leave what should be done, for something which ought not to be performed at that time; as, for instance, when he desires to work at a time when he should rest, or, in time of labor, desires repose. For, as he who undertakes a great task at a time when he should rest, cannot escape an attack of sickness, or even death, on this account; on the other hand, where a person wishes to rest during time set apart for labor, he cannot avoid receiving great injury and dishonor thereby. Wherefore King Solomon said: "All things have their appointed times, in which they should be done, and during which they should be completed, but everything cannot be done at one particular time." For which reason a king who acts contrary to this cannot avoid incurring the above-named dangers, which is more unbecoming in him than in any other man, and, moreover, would be contrary to good habits.

## LAW XVI.

**A King Should Be Eager to Learn to Read, and to Know What He Can of the Sciences.**

A king should be eager to learn the sciences, for, by means of them, he will understand the affairs of sovereigns and will better know how to act with regard to them. Moreover, by knowing how to read, he will be better able to keep his secrets, and be master of them, which, under other circumstances, he could not well do. For, by want of familiarity with these things, he would necessarily have to admit someone else into his confidence, in order that he might know them, and there might happen to him what King Solomon said, namely: "He who places his secret in the power of another, becomes his slave; and he who knows how to keep it, is the master of his own heart, which is very becoming to a king." And, even without this, by means of the Scriptures he will the better understand the Faith, and will know more perfectly how to pray to God. By reading, he can become acquainted with the remarkable events that transpire, from which he will learn many good habits and examples. Not only did the wise men of the ancients deem it proper that a king should know how to read, but also that he should study all the sciences in order to be able to profit by them. On this subject King David, while giving advice to kings, said, that they should be learned and wise, since they had to judge the earth. King Solomon, his son, also said that kings should learn the sciences and should not forget them, for by means of them they would have to judge and protect their people. And Boetius, who was a very wise knight, declared that it was not fitting for any other man to be ac-

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*sentire a pochi. Ognuno vede quel che tu pari, pochi sentono quel che tu sei, e quelli pochi non ardiscono opporsi alla opinione de' molti che abbiano la maestà dello stato che li difenda: e nelle azioni di tutti gli uomini e massime de' principi dove non è giudizio a chi reclamare si guarda al fine. Faccia adunque un principe conto di vincere e mantenere lo stato; i mezzi saranno sempre giudicati onorevoli, e da ciascuno lodati; perchè il vulgo ne va sempre preso con quello che pare, e con l'evento della cosa: e nel mondo non è se non volgo. e i pochi ci hanno luogo quando gli assai non hanno dove appoggiarsi."* (Machiavelli, Il Principe XV-XVIII.)

It is here declared that a prince should seem to possess these admirable qualities whether he has them or not; "because men, in general, judge rather by the sight than by the touch, and all can see, but few can perceive. Every one sees what you appear to be, few perceive what you really are. A prince should be solicitous to defend and preserve the state, the means whereby he does this will always be considered honorable and he universally praised, as the mob is always taken by appearance and the issue of the event, and in the world nothing but a mob is to be found."—Ed.

quainted with the beneficial sciences, as it was for the king, for the reason that his wisdom was very profitable to his people, since through it they were to be maintained in justice. For undoubtedly a great action of this kind can be accomplished by no man, unless by one of good understanding and great wisdom. Wherefore a king who treats knowledge of the sciences with contempt, will also despise God from whom they all proceed, for King Solomon said that all science comes from God, and abides with him forever. He would even treat himself with contempt, for, since God desires that the intelligence of men should be distinguished from that of beasts, by means of wisdom, so far as man is concerned, the less he has of it the smaller distinction will exist between him and animals. And to a king who acted in this way, there would happen what King David said, namely: "When a man occupies an honorable position and does not understand its responsibilities, he causes himself to resemble the beasts, and is such as they are."

#### **LAW XVII.**

##### **A King Should Endeavor to Acquaint Himself with Men.**

To learn how to know men, is one of those things which a king should exert himself most to do: for, since by their agency he must perform all his acts, it is necessary that he should know them well. This knowledge is of three kinds. First, to ascertain from what family they are derived; second, what are their habits, and their manners; third, what deeds they have performed. For where he is not informed of this, he will not know certainly in what way he must pass his life among them, nor on whom he should confer honors and favors, nor against whom he should be on his guard. The ancient wise men were agreed upon this point, that such knowledge was more suitable for a king than for other men, in order that he might know how to honor everyone and keep him the position which he deserves. Wherefore, a king who does not act in this manner, will necessarily be renounced and opposed by his subjects, since he does not confer favors upon those who are good, and appoints the wicked to high positions.

#### **LAW XVIII.**

##### **A King Should Be Gracious and Liberal.**

Liberality is a great virtue, which well becomes every powerful man, and especially a king, when he practices it at a proper time, and as he should do. For this reason, Aristotle said to Alexander, that he should practise, and endeavor to acquire liberality, because, by means of it, he would the more readily gain the hearts of the people. And, in order that he might the better employ this excellent quality, he explained to him what it was, and told him that liberality is to give to him who has need, and to him who is deserving, according to the power of the giver, bestowing what is his own, and not taking the property of one person to give it to another. For he who gives more than he has power to do, is not liberal, but is a spendthrift; and, moreover, will necessarily have to take the property of another, when his own is not sufficient. And if, on the one hand, he will gain friends, on account of what he gives them, on the other, he will make enemies of those from whom he took what belonged to them. He declared also that he who gives to him who has no need of it, and who is not grateful to him for it, is like one who pours water into the sea; and that he who gives to a person who is unworthy, resembles one who arrays his enemy against him.

**LAW XIX.****A King Should Be Dexterous.**

In addition to the practices which we have mentioned in preceding laws, a king should become familiar with others that are very suitable for him. These are of two kinds: first, those which relate to arms, that he may have recourse to them when it is necessary; and second, those from which he may derive enjoyment and pleasure, and by means of which he may the better be able to endure labors and afflictions when they come upon him. For it is proper for him to understand whatever relates to chivalry, in order the better to protect his own property, and conquer that of his enemies. For this reason he should know how to ride well, and make use of all kinds of arms, not only those which he should wear to protect his body, but others by means of which he should defend himself. Those which are for the purpose of protection he should wear and make use of, in order to be able the better to endure them when it becomes necessary, so that he may incur neither danger nor shame from their annoying him. With regard to such arms as are used in battle, as, for instance, the lance, the sword, and the club, and the others with which men fight with all their power, in the management of these he should be very dexterous, so as to be able to inflict wounds with them.

It is also necessary that he should handle all these arms which we have mentioned, those which he must wear as well as the others, in such a way that he will be master of them, and not they of him. In former times, kings were taught to shoot with the bow, and the cross-bow; to mount quickly on horseback; to swim; and all other things which promote activity and valor; and this was done for two reasons. First, that they might know how to protect themselves by this means, when it became necessary; second, that men might take a good example from them, and desire to do and practice these exercises. Wherefore, if the king does not accustom himself to the practice of arms, as we stated above, leaving out of consideration the injury which will result to him, for the reason that his people will abandon the use of weapons on his account, he himself will be liable to danger, because he will lose the use of his body, and incur great shame.

**LAW XX.****A King Should Be Skillful in Hunting.**

A king should be skillful in, and acquainted with, other things from which pleasure and joy are derived, so as to be the better able to endure great trials and afflictions, when they come upon him, as stated in the preceding law. For this purpose one of the things which wise men found to be of most benefit is hunting of every kind, for it contributes much to diminish serious thoughts and vexations, and is more necessary for a king than for any other man; and without considering this, it confers health, as the exertion which is employed in it, when it is done in moderation, causes a man to eat and sleep well, which is the principal thing in life. The pleasure which is derived from it is, moreover, a great source of joy; as, for instance, the obtaining possession of birds and wild beasts, and causing them to obey and serve man, by bringing others into his hands. Wherefore the ancients considered that it was more suitable for a king than for other man, and that this was the case for three reasons. First, to lengthen his life and his health, increase his understanding, and remove from him cares and griefs, which are things that greatly obscure the intellect; and all men of good sense should practise this in order the better to carry their acts to completion. And, on this subject, Cato the Wise said, that

every man should, at times, mingle joy and pleasure with his cares, for anything which does not rest occasionally does not last long. Second, because hunting is an art, and imparts knowledge of war and conquest, with which kings should be thoroughly familiar. Third, because kings are more abundantly qualified to practice it than other men.

Nevertheless, they should not make it so expensive as to cause loss in what they have to accomplish, and they should not engage in it so frequently as to hinder them from doing other things which it is their duty to do: and where kings practise hunting in any other way than those we have mentioned above, they should be considered as deficient in understanding, on account of their neglecting, for hunting, other great deeds which they should perform. And, without taking this into consideration, the joy which they should receive from the sport will inevitably be turned into distress, for which reason serious illness will come upon them instead of health: and, moreover, God with great justice will take vengeance upon them, because they made use of the things which He created in this world in a way that they should not have done.

### LAW XXI.

**Concerning the Pleasures Which a King Should Have Recourse to Occasionally, in Order to Take Comfort in Affliction and Care.**

There are other pleasures, in addition to those we mentioned in the preceding laws, which have been devised in order that a man may take comfort when oppressed with care and affliction. These are listening to songs and musical instruments, and playing chess, draughts, or other similar games. We also include histories, romances, and other books, which treat of those matters from which men derive joy and pleasure. And, although each of these has been found to be beneficial, yet men should not make use of them, except at suitable times, and in a way that may be productive of benefit, and not of injury. This is more proper for kings than for other men, for they should perform their acts in a very orderly way, and according to reason. Referring to this subject, King Solomon said, that there are appointed seasons for everything, which are proper for it and for nothing else; as, for instance, to sing at marriages, and to weep at funerals. For songs should not be sung except for joy, so that persons may derive pleasure from them, and forget their cares. Wherefore, if anyone makes use of them to excess, he will remove joy from its proper place, and transform it into a kind of insanity. We declare that this is also true concerning musical sounds and instruments. But with regard to the other games which we have mentioned above, they should not be practised except to drive away care, and to receive joy from them, and not through a desire for gain thereby; for any gain which is obtained from them, can neither be great nor very profitable.

Whoever practices these games in any other way, will receive therefrom great distress, instead of pleasure, and they will be exchanged for a kind of a gambling, which is something from which great injury and evil is derived, and greatly grieves both God and men, for the reason that it is opposed to all excellence. Wherefore a king who does not know how to practice these things skilfully, as we stated above, in addition to the sin and impropriety of which he will be guilty on this account, will also suffer great injury, which will degrade his actions, on account of his abandoning great and good things for those who are vile.

## **TITLE VI.**

### **What a King Should Be to His Wife and She to Him.**

Where anything is selected on account of its being good, it causes those who possess it, to love, cherish, and preserve it. Wherefore, since in the preceding Title, we have spoken of what the king should be in his works, we desire to state here how he should act towards his wife, and, in the first place, we shall show what the king ought to observe at the time of his marriage, and how he should treat his wife.

### **LAW I.**

#### **What a King Should Bear in Mind at the Time of His Marriage.**

Marriage is something which, according to our religion, after it is once entered into, cannot be annulled, except for particular reasons, as shown in the Fourth Partida of this book. Wherefore a king ought to bear in mind that she whom he marries should be endowed with four qualities. First, she should come of a good family; second, she should be handsome; third, she should have good habits; fourth, she should be wealthy. For, the better her family, so much the more esteemed will he be, and the children which he will have by her will be more honored, and held in greater consideration. The more beautiful she is, the more he will love her, and the children which he has by her will be more handsome and more graceful; which is very fitting for the children of kings, in order that they may make a good appearance among other persons. And the better habits she has, the greater pleasure he will receive from her, and the better she will know how to maintain the honor of her husband and her own. The more wealthy she is, the greater benefit will result to the king, and to the offspring which he will have by her, and also to the country, where he lives. When a king has a wife who possesses all the above named qualities, he ought to be very grateful to God and consider himself fortunate. And if he cannot find one of this kind, he should see that his wife is of good family and of good habits, for the benefits which result from these two qualities, will all abide in the line which descends from her; but beauty and riches pass away more easily. For which reason the king who does not bear this in mind will sin against himself and his offspring; and these are two things which every king should carefully avoid.

### **LAW II.**

#### **A King Should Love, Honor, and Guard His Wife.**

A king should love the queen, his wife, for three reasons. First, because he and she, by reason of their marriage, are one according to our religion, so that they cannot be separated, except by death, or for certain other reasons, as the Holy Church directs. Second, because she alone should be, according to law, his companion in joys and pleasures: and, on the other hand, she should be his partner in affliction and care. Third, because the progeny which he has, or hopes to have, by her, will take his place after his death. He should, moreover, honor her for three reasons. First, because he and she are one, the more she is honored, the more is he honored through her. Second, for the reason that the more he honors her, the greater reason she will have always to desire his welfare and his honor. Third, because while she is honored, the children which he has by her will be more esteemed and more noble. He

should also watch over her for three reasons. First, as he cannot have more than her according to law, he should, therefore, take care of her, that he may possess her for his own benefit, and not lose her. The second reason why he should be on his guard with her is, that he may not say or do anything against her, which may be unjust, or open the way for her to commit any folly, or permit anyone else to do so. The third reason why she should be carefully guarded is that the children she may have may be the more certain.

Therefore, a king who honors, loves, and watches over his wife in this way, will be loved, honored, and cared for by her, and, for that reason, will offer a good example to the people of all his country. But, in order that these things may be well and thoroughly accomplished, he must place her in the company of such men and women as love and fear God, and know how to preserve his honor and hers. For, naturally, it cannot be but that a man learns much from those with whom he daily lives. For this reason Cato the Wise, advising his son, said: "If you desire to acquire information properly, associate with the good." King Solomon said the same thing, by way of advice: "He who wishes to do good, should associate with good men, and avoid those that are wicked;" for he who frequents their company, must necessarily adopt their habits, just as he who handles melted pitch must necessarily be defiled by it.

## **TITLE VII.**

### **What a King Should Be to His Children, and They to Him.**

Those who are born in lawful wedlock are called children, according to the law. Wherefore, since in the preceding Title we stated what a king should be to his wife, we intend to say here what he should be to the children which he has by her. And we desire to show how he should love and protect them, and for what reasons he should do so; how he should bring them up, and in what way; and also how he should watch over them; and in what matters, and at what times, and how, he should make use of them; and how he should treat them well, and how he should punish them when they do wrong.

### **LAW I.**

#### **A King Should Love His Children, and for What Reasons.**

The children of kings are called in Spain, *Infantes*. They should be, of themselves, noble and of good habits and without any bad qualities; on account of the nobility which they derive on the part of both their father and their mother. They take this name from *Infans*, which is a Latin word, and means a boy under seven years old who is without sin and blemish; for which reason kings should endeavor to have their children like this, and to love them greatly. They should have their love for two reasons: first, because they spring from them, and are, as it were, members of their own bodies; second, on account of the remembrance that they are to take their places after their death, to perform those good works which they were required to do; and that they should especially love them, is more fitting for a king than for another man. This is the case, because he should rejoice if his sons are better than he: not that he may, through their agency do anything which may ill-become him, or diminish his honor; but because if they know how to be so good themselves as to be superior to him in excellence, it should greatly please him and make him grateful to God, and when his offspring rises in this way, it will always proceed from good to better. On this subject King Solomon said, that it was a source of great praise and exceeding honor to a father to have a wise and good son. For which reasons a king who loves his children in this manner has a true affection for them; first, according to nature, because they are derived from him; second, from morality, by desiring that they may be good.

### **LAW II.**

#### **A King Should Pay Careful Attention to the Rearing of His Children.**

A king should earnestly endeavor to bring up his children in great goodness, and in purity; and there are two reasons for this. One of these is because it is according to nature; the other, because it is according to good judgment. For all animals which have young naturally exert themselves to rear them and provide them with what is necessary, as far as they can do so, each according to his kind. And if animals, which are not endowed with perfect understanding do this, much more should men, who are gifted with wisdom and intelligence, do so; and especially does this apply to kings, for all their actions should be satisfactory and creditable, more than those of any other man. And when children are thus brought up with great advantages, they will, for that reason, grow more rapidly, and will be healthier and more vigor-



ous, and will have more courageous hearts. For while they are growing they will constantly pay attention to things of greater importance, and will forget those of inferior moment, since they possess them in abundance. The other reason, which relates to good judgment, is that they should be brought up in purity and refinement, for it is very proper that the children of kings should be pure and very refined in all their actions; first, in order to render them more noble in themselves; second, in order to offer a good example to others. For this to be done, it is necessary that the company of those who bring them up should be refined and pure in character, since the children of kings must learn this from them. Wherefore, a king who does not cause his children to be reared in this manner, will be injured in two ways; first, by the distress with which he will be afflicted when they err in any of the above stated matters; second, because it will be through his fault, and what the ancient wise men said will befall him; namely, that where a man deservedly receives injury, he ought to complain of himself, and of no one else.

### LAW III.

#### How the Children of Kings Should Be Taken Care of.

A king should care for his children in two ways. First, nothing should be done against them, or said to them, which is unjust, and their goodness or honor be thereby diminished. Second, others should not be permitted to do or say anything that would wrong them, or from which they might receive injury; for neither the love nor the education which we have mentioned in other laws will avail them anything, if precautions of this kind are not taken. Those who, above all others, should take this care are the king and queen. This is effected by giving them nurses who are healthy, and who have good habits, and are of good families: for just as a child is sustained and nourished, in the body of its mother until it is born; just so is it sustained and nourished by the nurse, from the time it is first suckled until it is weaned: and for the reason that the time during which it is nurtured is longer than that given it by its mother, it must necessarily be greatly influenced by the behavior and habits of the nurse; wherefore the ancient sages, who discussed these matters in a natural way, declared that the children of kings should have nurses who afforded sufficient milk; that they should be well bred, healthy, handsome, belong to good families, have good habits, and especially that they should not be very high-tempered. For where they afford abundance of milk, and are well-formed and healthy, they will bring up healthy and vigorous children; and if they are handsome and graceful, the children will love them more, and take greater pleasure in seeing them, and permit them to control them better. And where they are not bad tempered, they can rear children more affectionately, and with greater kindness; which is something that children have much need of in order to grow rapidly: for they are frightened by derision and violence, and, for this reason, do not thrive, and contract from this source illness or death. Wherefore, a king who does not cause them to be protected from these things will receive serious injury; like one afflicted with great sorrow on account of something from which he expected to derive much pleasure.

### LAW IV.

#### The Sons of Kings Should Have Tutors of Good Family, of Good Habits, Discreet, and of Good Understanding.

It is necessary that the fathers and mothers of boys, who are the descendants of kings, should care for them in the way we have spoken in the pre-

ceding law; but after they become youths, it is proper that they should be given tutors who will watch over them, and supervise their eating, their drinking, their repose, and their demeanor; so that they may do all these things well and in a refined manner, as becomes them. A tutor means, in the Spanish language, one intrusted with the bringing up of a boy, and he must exert all his intelligence to show him how to act with propriety. The sages declared that boys learning while they are small, resemble white wax, when an engraved seal is placed upon it, for the reason that it leaves its mark there. Therefore instructors should teach boys while young what is proper, for they acquire more easily what they are taught while being brought up, and it remains always more in their minds, so that it may be called up by recollection. Where, however, they attempt to teach them these things when they are older, and have already commenced to enter into youth, they cannot do so as easily, except by tempting them with great rewards; and, although they may learn them at that period, they forget them the more rapidly on account of the other matters to which they are already accustomed. Therefore, for all these reasons, kings should desire to take good care of their sons, and select as tutors for them men who are of good families and of good habits, without bad tempers, and of sound judgment. And, in addition to this, they should be thoroughly loyal, solicitous for the benefit of the king and of the kingdom; for those who have charge of the sons of kings should possess all these qualities, or at least they should be loyal and of good habits.

A king who does not know how to take care of his children in this way will suffer injury thereby in two ways; first, through the sorrow which he will undergo on account of the wickedness which they commit; and second, because of the evil which he will have to inflict upon their tutors on their account. What we have said is understood to relate to all those who are entrusted with this service, both men and women.

#### LAW V.

##### **What Should Be Taught the Sons of Kings, in Order That They May Be Elegant and Cleanly.**

There were certain wise men who described how tutors should bring up the sons of kings, and who prescribed many ways in which they should be taught how to eat and drink properly and in a well-bred manner. And, for the reason that it seems to us that these are things which should be known, and by means of which tutors can the better rear those entrusted to their charge so that they cannot commit faults through want of knowledge, we order them to be written here. They declared the first thing that tutors should teach boys is how to eat and drink in a cleanly and polite manner; for, although this is something that no creature can avoid, nevertheless, men should not do it in a coarse or awkward way: and especially does this apply to the sons of kings, on account of the race from which they spring, and the place which they will have to occupy, and from the fact that others will have to follow their example. They gave three reasons for this: first, in order that they might receive benefit from eating and drinking; second, to enable them to avoid the injury which might result to them from eating or drinking to excess; third, in order to accustom them to be cleanly and graceful, which is something that is very becoming to them. Children who eat and drink when they have need of it, become, for this reason, healthier and more vigorous; and if they eat too much they will become, on that account, weaker and ill, and the food and the drink which should give them life and health, will bring upon them sickness and death. They declared that they should teach them to eat

and drink in a well-bred manner, not putting a second morsel into their mouths until the first has been swallowed: for, leaving out of consideration the ill-breeding which will result from this, there is great danger that they will be suddenly suffocated: and that they should not permit them to grasp the morsel with all five fingers of their hand, for fear they will make it too large.<sup>1</sup> Also that they should not permit them to eat inordinately with the entire mouth, but with a part of it: for, by doing so, they show themselves to be gluttons, which is rather a characteristic of beasts, than of men: and he who does this, cannot easily prevent what he is eating from dropping out of his mouth, if he should desire to speak. Moreover, they declared that they should teach them to eat slowly, and not in haste, because whoever adopts the other way, cannot thoroughly chew what he eats; and therefore it cannot be well ground up, and necessarily must cause injury, and produce bad humours, from which sickness arises. And they should compel them to wash their hands before eating, that they may be clean and free from what they have handled for the cleaner food is when it is eaten, the more beneficial it becomes. After eating, they should also cause them to wash them in order that they may be free to handle the face and the eyes, and that they may be clean and neat they should wipe them on towels and on nothing else; for they should not wipe them on their clothes, like some people do who do not know anything about cleanliness or politeness.

They declared moreover, that they should not talk much while they ate, because where they do so, they must necessarily suffer loss in their food, and be deficient as well with regard to what they discussed. Nor should they sing while they eat, as it is not the proper place for this, and it would appear that they did so, rather through excitement of wine, than for any other reason. They also declared that their tutors should not permit them to bend down over the porringer while they were eating: first, because it is a mark of great ill-breeding; second, since it would appear that he who acts in this way wanted all the food for himself, and desired that no one else should have any share of it.

## LAW VI.

### The Sons of Kings Should Be Temperate in Drinking Wine.

The sons of kings should be taught to drink wine in moderation, and to mix with water. For, as wise men have said, if they drink it strong, or to excess, it will result in great harm, because tumors are produced in the heads of boys who drink much wine, and they are liable on that account to other serious diseases, so that men think that wine is the devil. It also blunts their senses and gives them bad habits, for it inflames their blood so that they, necessarily, become ill-tempered and disobedient; and, afterwards, when they mature, they grow negligent towards those with whom they live, which is a bad habit, and very injurious to great lords, and, even without all this, it causes them to lose their health, and shortens their lives. They also declared that they should teach them not to drink much at a time: for this produces a great diminution of food, and an increase of thirst, and injures the head, and weakens the sight. Nor should they accustom them to drink wine frequently during the day, for

<sup>1</sup> Although both forks and spoons were not unknown to the Romans, they were only employed occasionally, and their use did not become general in Europe until after the fifteenth century. The custom of conveying food to the mouth with the fingers prevailed longer in the Peninsula than elsewhere, on account of the omnipresent influence of the Moors. The Arabs, to this day, practice this primitive custom, making use of only the right hand for this purpose however, the left being devoted to other and more ignoble offices. No higher compliment can be paid to the guest of a Bedouin sheik than for his host to place a morsel from the common platter between his lips. During the Middle Ages, the dainty and jeweled fingers of noble ladies extended this mark of favor and courtesy to their favorite cavaliers. It was an indication of good breeding to use only the thumb and two forefingers while eating; those who violated this rule were considered greedy. This did not apply to soup and gravy which were always scooped up from the common vessel with the entire hand.

this is something which causes great injury to the stomach, not permitting it to digest food, and, for this reason, it injures the head. Nor should they drink after they have eaten, because it is a bad habit; and those who practice it appear as if they could not live without it; and, besides, it causes a man to be very sleepy, and to dream bad dreams, and frequently to catch cold.

They also declared that they should not drink as soon as they awake, for whoever does so, will contract serious ailments, as, for instance, dropsy, and affections of the brain, which are diseases that cause men greatly to despise those who suffer from them. They declared, moreover, that they should not drink while fasting, because it takes away the desire for food: and whoever practises it much suffers from trembling of the limbs, and impediments in his speech. They also declared that they should be on their guard against drinking much after eating: for this impels man to lasciviousness on improper occasions; and great injury will result to him who practises it at such times, for it weakens the body, and if any children are born to him, they will be small and weak.

Wherefore, for all these reasons, tutors should be vigilant in the care of the sons of kings, and what relates to their eating and drinking: and as the king should be very grateful to those who protect them from these things, and they should be well rewarded for this service; so those who act in a contrary manner, should receive a proportionate punishment, and, where they are men of honorable rank, they should be banished from the kingdom, because they did not perform their duties to their lords; and where they are persons of inferior station they should lose their lives for this reason, as being men who taught the sons of their master how constantly to disgrace themselves.

## LAW VII.

### **Tutors Should Teach the Sons of Kings to Speak Properly and Politely.**

The faculties of speech and reason are what distinguish men from other animals, and although they are derived from intelligence, they cannot be manifested without words. For this reason, all men should endeavor to be rational, and especially should those be so who occupy high positions, because persons remember their words more than those of others. Wherefore it is eminently proper for tutors who have charge of the sons of kings, to try to teach them to speak well and politely. For, as the wise men who spoke in this manner declared, speech is good and beneficial when it is true, and uttered at the proper time and place. And it is called polite when it is not uttered loudly, or in a very low tone, or very rapidly, or very slowly, and when it is spoken with the tongue, and not by gesticulation with the limbs, exhibiting boorishness by means of them; as for instance, by moving them very frequently, so that a person seems to men to attempt to explain what he says rather by means of them, than by speech: for this is a great mark of ill-breeding, and weakens the argument. Moreover, the words should be satisfactory, for as it is bad when there are too many; so, on the other hand, it is not good when there are too few, for which reason, in all matters of this kind, the king should be careful to give such tutors to his sons as know well how to instruct them, and such as he can punish with justice if they do not do so properly, so that their censure may not reflect upon them.

**LAW VIII.****Tutors Should Teach the Sons of Kings How to Have Good Breeding.**

Good breeding is something which causes a man to appear noble and graceful, and for this reason tutors who have charge of the sons of kings, should endeavor to teach it to them, and cause them to practice it. And they should take notice that when they are spoken to they do not listen with their mouths open, or are guilty of any other improper behavior, while attending to what is said to them. Moreover, they should see that they walk in a graceful manner, not holding themselves too straight, nor, on the other hand, too stooped, nor moving too rapidly, nor too slowly; and also that they do not raise their feet too high from the ground when they walk, or drag them. And when they desire to be seated, they should not permit them to drop suddenly; nor, on the other hand, to arise hastily. They should also teach them to wear fine and very elegant clothing, such as is suited to the seasons. We establish the same regulation concerning their bridles and saddles, and the animals upon which they ride: for all these things should be elegant and neat, as is proper for the sons of a king. Their tutors should show them all these things which we have mentioned, kindly, and in a pleasant way, for those who are descended from a good ancestry are better instructed by words than by blows, and, for this reason, love those more who treat them in this way, and are more grateful to them, when they are intelligent.

**LAW IX.****What Things Kings Should Teach Their Sons.**

Love and fear are two things which he greatly needs who receives instruction and punishment from another. For this reason, although the king and queen are bound to provide tutors for their sons, nevertheless, there are things which they should teach them themselves, in order that they may learn them the better, on account of the love and fear which they naturally entertain towards them, rather than towards other persons: and, moreover, these are matters in which all others are included. The first is, that they may know how to acknowledge, love, and fear God; for this they should explain to and teach them, showing them the good which they will derive from this source, both in this world and in the next. And when the boys learn this from them, it will remain fixed in their minds, and they will remember it forever, and will avoid doing anything contrary to the law, or anything by reason of which they may incur the wrath of God. They should also instruct them to love and fear their father and mother, and their eldest brother, who are their natural lords, by reason of descent; and they should teach them to love their other relatives and their vassals, each one as is proper. They should admonish them that their words may be certain and true, and that they do not take oath very frequently, except in regard to such matters, as, under all circumstances, they are obliged to observe. They should also teach them not to curse themselves nor anyone else: for this is something which ill becomes any man and especially the sons of kings, for the reason that it appears that those who do so have little respect for God or for themselves.

They should instruct them in all these things, and should, moreover, order their tutors, and, even threaten them, in order that they may cause them to teach them. For, in this way, the boys will know them more quickly, and they will be better fixed in their minds, by believing that, by so doing, they will give pleasure to their father and mother, and through fearing that they may incur their anger. When the king and queen do not attempt to instruct them,

as aforesaid, they will sin greatly in this respect; in the first place against God, as well as against themselves, and also against their sons, and all those over whom the latter will be masters.

#### **LAW X.**

##### **What Should Be Taught the Sons of Kings, When They Commence to Be Young Men.**

Just as it is reasonable to increase the size of the clothing of children when they are growing up, so they should be compelled to learn things suitable to the age upon which they are entering. And, for this reason, we declare that, in addition to those matters stated in the preceding law which the king and queen should teach their sons when they are boys, there are still others which they should cause them to learn. These are to read and write, for this is of great benefit to those who understand it, in order to learn more easily what they desire to know, and to be the better able to keep their secrets. They should also instruct them that they should not covet those things which they cannot, or should not, have: because when they establish a practice of coveting them, and do not possess them, they devote all their thoughts and attention to that which they desire, and for this reason impair their intellect, and neglect other things which they should do, but they should teach them to desire what is good and suitable; and they should also give them these in moderation, and when it is proper. They should accustom them to be merry without going to extremes, and protect them from sadness, as much as they can, for this is something which interferes with the growth of boys, and with their health. And after they have attained the age of young men, they should place them in charge of some one who may teach them, and show them how to learn to know men, what they are, and from what origin they are derived, and how they should receive them and talk with them, each one according to his station. They should also show them how to ride, and hunt, and play all kinds of games, and be familiar with every description of arms, as is fitting for the sons of a king. And, as we have already stated, they should not solicit them to make use of those things which Nature herself requires, as to eat or drink, or have women, but they should rather dissuade them from doing so, that they may not act in an unbecoming manner, or be injured thereby. And when the sons of kings are cared for and educated in this way, they themselves will be good and polite, and will not treat others in an improper manner; and their tutors will have complied with what they were bound to do while in charge of them. And, if they do not care for them in this manner in addition to the injury which they will receive from their parents as well as from themselves when they understand it, they will incur the disapproval of other men, who will endeavor to pursue them, on account of the injury inflicted by their pupils through the evil habits which they learned from them.

#### **LAW XI.**

##### **What Kind of Nurses and Governesses Daughters of Kings Should Have, and How the Latter Should Be Cared for.**

Nurses and governesses should be appointed for the daughters of the king, that they bring them up and watch over them with great diligence. For, if careful supervision should be exercised towards the sons, for the reasons above stated, still greater should be employed in the case of the daughters; because men travel in many places, and can obtain information from all persons, but it is not proper for girls to receive instruction except from their fathers or moth-

ers, or from the companions that the latter give them. Wherefore they should give them nurses and governesses of the same kind as the tutors that we have stated should be given to boys; and, above all things, they should ascertain that they are faithful and of good habits: for the most important thing in the world which they should teach their pupils is that, for the sake of loyalty, they should respect themselves and their husbands, and consider carefully everything else which they have to do, in order that they may have good habits, and offer a good example to others; and although this care is very proper to be exercised by the father, it is more a duty of the mother. And, as soon as they have sufficient intelligence for it, they should teach them to read, so that they may read the Hours properly and know how to read the Psalter; and they should endeavor to make them very well-bred in eating, drinking, and talking, and in behavior and dress, and to have good habits in every respect; and they should especially prevent them from yielding to anger, for, in addition to the evil disposition which this indicates, it is the one thing in the world which most quickly induces women to commit sin. They should also teach them to be skilful in those duties which belong to noble young ladies: for this is something which is very becoming to them, for the reason that they derive from it cheerfulness and quiet, and, besides, it takes away wicked thoughts, which it is not proper for them to have.

#### **LAW XII.**

##### **A King and Queen Should Endeavor to Marry Their Daughters, and Protect Them.**

When the daughters of a king have been brought up and educated, as stated in the preceding law, as soon as they are of age the king and queen should endeavor to marry them well and honorably, and, in doing this, they should exert great diligence, paying careful attention to four things. First, that those whom they marry are persons of distinguished lineage; in order that the family from which they are derived may become still more noble. Second, that they be handsome and graceful; that more love may exist between them, and that they may the sooner have children. Third, that they be of good habits; for then they will know better how to honor and protect their wives, and both will lead a better life together, and the love between them will be more enduring. Fourth, that they have a good inheritance; for then they and the children which they will have will be more robust and more honored. When they are not able to obtain for them husbands possessing these four qualities, at all events, they should be careful to marry them to such persons as are of good family, and who have good habits. The king who will do what is stated in this law and in the preceding one, will perform his duties towards his daughters by bringing them up and educating them properly, and by marrying them in a suitable manner. He should, moreover, avoid giving them an opportunity to commit sin, by which he may be grieved or injured, or they be induced to treat him undutifully.

#### **LAW XIII.**

##### **A King Should Treat His Sons Well, and Punish Them When They Do Wrong.**

A king should treat his sons in a way that is beneficial to them, not only by rearing them and teaching them properly, but also with regard to what relates to temporal matters; as, for instance, in giving them estates, and in seeking good marriages for them, and in treating them the best he can during his life, so that they can live in an honorable manner. For, as the ancient wise

men who made the laws said, it belongs to the father in the first place to give advice to his sons, for they will be more pleased and honored by what their father gives them, than if anyone else should give them twice as much. And, if kings did not do this, it would be a very unjust thing for the other vassals of the country to be rich in the possession of lands, and his sons in want, so that they would have to ask someone else for what they needed, or go to some other land to ask advice. Moreover, kings should make use of their sons, both in time of peace and in time of war, and, when they do wrong, they should punish them both as fathers and as lords.



## **TITLE VIII.**

### **What a King Should Be to His Other Relatives, and They to Him.**

Relationship is an obligation which men owe to one another, by reason of their consanguinity. Wherefore, since in the preceding Title we have spoken what kings should be to their sons, which is the first relationship in lineage which men have, we desire here to speak of what he should be to his other relatives, in loving, honoring, and protecting them, and in treating them well and in making use of them, and also in what way he should punish them when they commit any fault.

#### **LAW I.**

### **A King Should Love, Honor, and Do Good to Those to Whom He Is Under Obligations on Account of Their Lineage.**

If animals, which are dumb creatures and without understanding, love others of their kind, uniting with them and assisting them when it is necessary, especially should men, who have understanding and reason, by which they should be governed, do so. And kings are those to whom this is most becoming; first, on account of their relationship; and second, on account of the superiority they have over them, for which reason they should love, assist, and favor them. For it is natural, and looks well, for a man to love his family, and to share with them the benefits which God conferred upon him and it is also very proper because he bestows it in a place which is, as it were, his own, and thus all honor and benefit which he does to his relatives, returns, so to speak, to himself. And, leaving this out of consideration, when he confers benefits upon members of his family, for the reason that they must become attached to him, no persons will serve him better than they do. Therefore, it is suitable for kings to love and honor their relatives, treating each one of them according to his deserts, or in proportion to the affection which the king thinks he entertains towards him. Moreover, they should love, obey, and serve the king above all others in the world. They should love him on account of his lineage, obey him on account of his sovereignty, and protect him on account of the favors he has bestowed upon them. And, just as they should perform their duties towards the king, by loving, obeying, and protecting him in all things; so, on the other hand, the king should love, honor, and confer benefits upon them, more than upon other men.

#### **LAW II.**

### **In What Way a King Should Punish His Relatives When They Commit Any Offense.**

When the relatives of a king commit an offense against him, through some dislike which they entertain towards him, so that they are unwilling to serve, obey, or protect him as they ought; the king should reprove them and banish them from his presence, as persons who have committed offenses against their master whom they were bound to obey and defend. For if a man causes a limb to be cut off of his own body, when it is mortified, in order that it may not corrupt the others; much more should he banish his relatives from his presence when they are a manifest hindrance to him; so that they may not have an opportunity to do wrong, through which his family may be disgraced, and others follow their example to act in a similar manner.

## **TITLE IX.**

### **What a King Should Be to His Officers, and to the Members of His Household and His Court, and What They Should Be to Him.**

Emperors, kings, and other great lords should have officers to serve and assist them in those things which they have to do. Wherefore, since in the preceding Title we have spoken of how the king should act towards his relatives, we desire to state here how he should act towards his officers, whose duty it is to serve and love him, by reason of their offices, on account of the compensation which they receive from him. In the first place, we shall speak of those who serve in his households, or daily in his court. We shall also explain what an office under the king is; how many kinds of officers there are; in what way they should discharge their duties; what reward they should have when they perform them properly, and what penalty they should suffer when they perform them improperly. And, above all, we shall state what a court and palace are, and what should be observed in regard to them.

## **LAW I.**

### **What the Word Office Means, and How Many Kinds of Officers There Are.**

An office means a special employment to which a man is appointed for the purpose of serving the king, or the community of some city or town. Officers are of two kinds; first, those who serve in the household of the king; second, those who serve outside of it; as will be explained hereafter in the laws of this Title. On this account Aristotle, in the book which he wrote for Alexander, describing how he should govern his household and his dominions, gave him the comparison of a man with the world, and said, as follows: "As heaven, and earth, and all things which are therein contained, compose what is called the greater world; so, on the other hand, the body of man, along with all its members, composes another, which is called the lesser world: for as the greater world possesses motion, understanding, design, harmony and division, man has these also according to nature." And out of this lesser world, from which he took the comparison of man, he created another which he compared to the king and to the kingdom, and showed in what way each should be governed; and explained that as God placed understanding in the head of man, which occupies the most noble position of the whole body, and made it a king, as it were, and desired that all the senses and members, not only those which, being on the interior, do not appear, but those which being outside are visible, should obey and serve it as their lord, and that they should control the body and protect it, like a kingdom; so he showed also that officers and persons of superior rank should serve the king as their lord, and protect and maintain the kingdom, as they should his body since, by means of them, it must be directed. He made still another distinction, and said, that of the brain and the members which serve the understanding of man like a king, there were three kinds; two of which most disclose their action within the body, and the third without it. The first, which relates to the interior, refers to the brain that works in secrecy, as, for instance, by imagining, thinking, and remembering, in the mind of him who desires to act or speak. The second kind is of those which operate for his control and assistance, like the principal members that are inside his body, and enable him to exist. The third kind are those which operate more outside of the body, and are for the purpose of his guidance and protection and have reference to such things as man hears, sees, tastes, smells, and touches.

Moreover, in comparison with this, he declared the king should have officers to serve him in the three following ways; some in matters of secrecy; others for the protection, government, and sustenance of his body; others for the honor, defence, and assistance of his country.

## LAW II.

### What Kind of Men the King Should Receive in His Household for the Purpose of Being Served by Them.

The king should be thoroughly convinced that the men whom he introduces into his house, to render him daily service, should be fitted for that purpose, and that they should know how to act, so that when he gives them anything to do it may be properly performed. For, according to the advice which Aristotle gave to Alexander, concerning the government of his household, persons of this kind should be neither very poor, nor very low in rank; nor should they, on the other hand, be very noble or powerful; and he said this because poverty gives rise to great covetousness in men, which is the root of all evil; and degradation causes them not to appreciate, or be pleased with either good or great things: which is not suitable for those whose duty it is to serve the king. For, where they are persons of this kind, the king cannot fail to be injured by them, in one of the two following ways; either through learning of their depravity, or through loss resulting to him from their covetousness.

On the other hand, the king cannot obtain good service every day from men who are noble and powerful: for, on account of their exalted rank, they will disdain constant service, and because of their power, they will venture to do things which will result in his injury and degradation. For this reason he should select men of moderate station, being careful, in the first place, to see that they are of good ancestry, loyal, intelligent, and the owners of property; for being of good families, they will always be ashamed to do things which would ill-become them; loyalty will cause them to be grateful for the benefits which the king confers upon them; by means of their intelligence, they will know themselves, and be able to keep their good fortune: and, being wealthy, they will have no reason to do evil on account of covetousness; and wise men declare that those are fortunate who take a middle course which is neither too great nor too small, for it is the most secure. If, however, the king cannot obtain men of this kind for his service, who possess these four qualities, it is proper that they should have two of them, that is intelligence and loyalty; and also that they should fear God, and be faithful in the observance of His precepts. Where he has men of this kind he should treat them well, each according to what he deserves, on account of his excellence, or his service, and, when they are such persons, what he gives them to do will be thoroughly done, and he will be well served by them. Persons of exalted rank, however, he ought to appoint to high offices, and cause them to make use of them at such times as the king may be more nobly served by them, and the court more honored by their service.

## LAW III.

### What Kind of a Man the King's Chaplain Should Be.

It is a well known fact that man possesses two natures, the one spiritual, which is that of the soul, the other temporal, which is that of the body. And as the body of man requires to be assisted by temporal things, in order to be sustained; so the soul requires to be assisted by spiritual things; for, without them, that good cannot be perfectly accomplished for which God created it.

Therefore, although the principal chaplain of the king should be one of the most honorable and eminent prelates of his country, who, for the honor of him and his court, should perform his duties during the great festivals, or when the king commands him to do so, as he thinks proper; nevertheless, the chaplain who associates with him daily, and reads the service to him every day, should be a very well educated man, one of great intelligence and loyal, of good life, and familiar with the customs of the Church. It is necessary that he be educated, that he may thoroughly understand the Hours and the Scriptures, and explain them to the king, and know how to give him advice concerning his soul, when he confesses to him. Moreover, he should be prudent and loyal, in order that he may understand how to keep secret what is revealed to him in confession, and acquaint the king with what he should avoid; for the latter is bound to confess himself oftener than others, and to receive the Sacraments of the Holy Church more frequently, and, for this reason, he is his parishioner; for, as others are the parishioners of those from whom they receive the Sacraments, because of their residence; so is the king that of his chaplain, since he receives them from him wherever he may go.

He must also lead a good life, for he, whose duty it is to perform so holy and noble an act as the consecration of the body of Our Lord Jesus Christ, and who has the soul of the king in his keeping, it is very important should be pure, and of excellent habits, so that the king and those of his household can take a good example from him, and that he may not be guilty of the faults which he has to punish in others. For as Our Lord Jesus Christ said: "It is not fitting that one should desire to take a small straw from the eye of another while he has a great beam in his own." And, leaving this aside, he should be acquainted with the customs of the Church, as we have stated above, so that the service which he repeats to the king and to others who are present should be well and devoutly conducted, as is fitting; for when it is done in this way, men hear it with better heart and greater reverence, than they do if mistakes are made in the pronounciation or the words. Moreover, we declare that the king should love, and honor his chaplain, by conferring benefits and distinctions upon him, as upon one who is his confessor and the mediator between God and him; and whose duty it is to protect him, more than any other person of his household, by keeping those secrets with regard to which the king should be most protected. Wherefore, a chaplain who errs in this matter, in addition to the penalty which he is liable to receive from his order, commits treason against the king, and should suffer such punishment, as a perfidious chaplain deserves.

#### LAW IV.

##### What Kind of a Man the Chancellor Should Be.

The chancellor is the second officer of the household of the king among those who hold employments demanding secrecy. For, as the chaplain is the mediator between God and the king, spiritually, with respect to his soul; so, on the other hand, the chancellor is the mediator between him and men, as far as temporal matters are concerned. This is the case because all questions which have to be decided by instruments in writing, of every kind whatever, must be determined by his wisdom: and he should examine these documents before he seals them, to prevent them from being issued contrary to law, so that the king may not incur either injury or shame thereby. And if he finds a law which ought not to have been drawn up he must tear it, or deface it with his pen, which is called in Latin *cancellare*, and from this word the term chancery is derived. The king should therefore select a man for this place who is well born, who has sound, natural judgment; who is reasonable, and has good manners and habits; and who knows how to read and write Latin,

as well as Castilian. And, above all, he should be a man whom the king truly loves, and whom he can punish for any offence which he commits, and for which he deserves it. For, if he is of a good family, he will always be ashamed to do anything which does not become him; and if he is prudent, he will know how to keep the king's secrets, and preserve his own good fortune. It is necessary that he be very wise, for since he must act as mediator between the king and his people, it is eminently fitting that he gain them as friends to the king, showing them how they should be grateful for the good which he does them, and when, in the course of justice, he publishes any document, that he may make them understand that he does this lawfully. He must have a good memory, in order to retain in his mind the laws and other matters which he has in charge, as well as those which he orders to be drawn up, in order that they may not contradict one another; and that he may remember the words which the king orders him to say to the people, and those which the latter transmit to be communicated to him. He should have fine and elegant manners, that he may know how to receive persons who have recourse to him, and reflect honor upon the position which he occupies. It is also proper that he should know how to read and write both Latin and Castilian, that the papers which he orders to be drawn up, may be well and correctly dictated, as well as those which the people send to the king, so that he may easily understand them. He should be truly attached to the king, for if he does not act in this manner, he will not be able to serve him, or protect him in the matters which we have mentioned; and if he is a person upon whom the king can inflict punishment, when he gives occasion for it, he will always avoid doing anything on account of which he may incur a penalty. Where a king has a man of this kind for his office, he should love him greatly, and confide in him, and confer great honors and benefits upon him; and when he finds that he is one of another description, he should punish him in proportion to the offence which he has committed against him.<sup>1</sup>

## LAW V.

### What Kind of Men the Counsellors of a King Should Be.

Seneca was the name of a wise man who was born at Cordova, and who discussed all questions with great discernment, and showed that men should be careful about the acts which they have to perform reflecting upon them before they perform them, and he spoke as follows: "One of the mental qualities which a superior man should possess, is his willingness to take advice on all things which he desires to do, before he begins them." He should take this advice from men who possess two qualifications; first, they must be his friends; second, they must be of good understanding and endowed with prudence. For, if they are not persons of this description he will incur great danger from them, for those who dislike a man can never advise him well or

<sup>1</sup> Many explanations have been offered to account for the title of chancellor, whose office dates back to the Roman Empire; the most probable of which derives it from the duty of the clerk who kept back litigants and petitioners from the chancel, or inclosure where the emperor sat to hear the complaints of his subjects, and render judgment. Coke traces the term, in England, to the cancelling of the sovereign's letters-patent when illegal, a right enjoyed by no other official, and vested in the chancellor as keeper of the king's conscience. The place, from that of a simple clerk or secretary became, in time, a dignity of the greatest importance and power in many European kingdoms. Its vast influence and authority were early appreciated by the Church, by which it was inherited along with much of the political machinery of the Empire, and this, added to the intellectual supremacy of the clergy, enabled the latter, in an age when ecclesiastics monopolized learning, to regard the office as one of their most-valuable perquisites. In England, from 1372 to 1530, the chancellors were all bishops. The reverence in which the office was held is shown by the fact that to kill an incumbent was made treason by Statute 25-2 Edward III. The old Common Law lawyer regarded the extraordinary powers of the chancellor with great disfavor, as tending to overthrow precedents and create confusion, while the habitual dependence of ecclesiastics upon the Canon Law—whose principles and practice were generally at variance with those of the realm—due to their profession and life-long associations, contributed not a little to increase their antagonism, which was further aggravated by the habitual arrogance of that imperious official, who always enjoyed the confidence, and largely directed the policy, of the sovereign.—Ed.

faithfully. And, for this reason, King Solomon said that there was no worse fortune in the world, than for a man to have an enemy for a confidant, or an adviser. On the other hand, although his adviser may be his intimate friend, if he does not possess good sense or sound understanding, he will not know how to advise him properly or justly, or to keep the secrets which he tells him. Therefore if every man should endeavor to have counsellors of this kind, much more should the king do so; because from the advice which they give him, he will derive great profit and good government for his country, if the advice is good; and, if it is bad he will be involved in difficulties and great injury will result to his people. On this subject Aristotle said to Alexander, by way of advice, that he should take counsel with men who desired his good fortune, and were men of intelligence and good, natural judgment; and he compared counsellors to the eye, for three reasons. First, because those things which it looks at from a distance, must be carefully observed, that they be recognized. Second, because it weeps from affliction, and laughs from pleasure. Third, because it closes when it perceives anything which approaches it to touch its interior. And such the counsellors of the king should be, for they should carefully consider things at a distance, and be thoroughly familiar with them before they give their advice. Moreover, they should be good friends of the king, in order to be pleased with his good fortune, and rejoice on account of it, and they should, on the other hand, grieve over his injuries, and be afflicted thereby; and when any persons accost them to learn the secrets of the king, they should know how to keep them well, and avoid revealing them. For he who reveals the secret of another, when he ought not to do so, does wrong in two ways; first, he wrongs himself, because he shows that he has but little prudence, and is treacherous; second, he does so on account of the injury which may result therefrom to him whose secrets he reveals. And if this is the case with every evil counsellor, much more should it be so with regard to the counsellors of the king whose duty it is to advise him in important matters from which great damage may result to the entire country, when they advise him badly, or reveal his secrets. Wherefore, it is essential, at all times, for the king to have good counsellors, and that they should be his friends, as well as men of superior intelligence, and of great discretion. When he finds men of this kind he should love them, so that they may be deeply attached to him, and may always desire to give him the best advice. Whoever acts in any other manner will commit manifest treason, for which he will deserve punishment in proportion to the evil arising from the advice which he gave him.

## LAW VI.

### What Kind of Men Noblemen Should Be, and What They Should Do.

Wise men styled the king the head of the kingdom, for reasons previously stated, and they designated the noblemen of the kingdom as members, for, as the members make a man graceful and handsome, and he is assisted by them; so, on the other hand, do honorable men render the kingdom noble and orderly, and aid the king in defending and aggrandizing it. Men who are noble are so called for two reasons, either on account of their descent, or because of their excellence. And although lineage is something noble, excellence surpasses and is superior to it; and whoever possesses both of these qualifications, can be truly said to be a nobleman, since he is noble on account of his lineage, and a perfect man by reason of his goodness. These should advise the king in important matters, and are appointed to adorn his court and his kingdom, for which reason they are called members; and therefore Aristotle told Alexander, by way of advice, that for members to be what they

should be, they must be endowed with four qualities: first, they should be perfect; second, healthy; third, graceful; fourth, strong; and that the king should endeavor to have noblemen of such a kind, that they should possess these four qualities. First, they should be perfect in loyalty and in truth; for then they will love him sincerely, and will desire what is for his advantage, and will avert all injury from him. And as the members should be thoroughly healthy; so, on the other hand, it is essential that noblemen should be men of prudence, and understanding, since they have to advise the king in matters of great moment: for if they are not prudent, they will not know how to act, or to keep his secrets: and if they are not intelligent, they will not appreciate the benefits which he confers upon them, nor will they serve him as they should do, nor, on the other hand, know how to promote his success. He said, moreover, that as the members should be graceful, so, on the other hand, should noblemen be so, and, in addition to this, they should be of good habits and of polite manners, since, through them, the court of the king and the kingdom should be adorned and ennobled: for being persons of this kind, they will know how to serve the king better, and all others will derive a good example from them, and they will be forced to conduct themselves honorably and well. And as the members should be strong, so, on the other hand, should noblemen be powerful and vigorous, in order to protect their lord and their country; and to aggrandize their kingdom to its honor, and to theirs as well. When they are not persons of this description, great evil will result from this source; first, to themselves, through their not doing those things which they ought, and through their doing others which ill become them, on account of which they will become liable to punishment in proportion to the acts which they have committed and, on the other hand, great injury will result to the king; and, in addition to the trouble which it will cause him, and for which he should justly punish them, they will also mar his good deeds, and destroy his hopes.

#### LAW VII.

##### **What Kind of Men the Notaries of the King Should Be, and What Their Duties Are.**

Those who make memoranda of grants and decrees by command of the king or chancellor, are called notaries. Some of these are appointed by the king, and others by the chancellor, as confidential secretaries; both, however, should be men of good intelligence, loyal, and reticent. It is proper they should be intelligent, because, if they are not so, they will not be able to make their memoranda properly and neatly, as they ought to be made. They should be loyal, in order that they may know how to promote the welfare of the king and of the kingdom. They should also be men of great reticence, for if they are revealers of secrets, great injury may result therefrom, to the king and to the whole country. Moreover, they should seal all documents, after the king or the chancellor has examined them and have approved them as correct. The notaries should also see that the decrees and grants are not written by other clerks than those whom the king has appointed for that duty. It also devolves upon them to cause all grants and decrees to be recorded in a book called the Register, which means the record of the acts of each year. In addition to all this, the king should take care that those whom he appoints to an office of this kind, are men of property, lest, through want, they may be compelled to do something which does not become them; and, on the other hand that they are such as he can punish for offences, if they commit them. For, where they are men of this kind, they will always avoid doing wrong through fear of losing what they possess, and of being punished. And when the king

has notaries of this description he should greatly love them, and confide in them, and should confer favors upon them, so that they may serve him well and loyally; and if they commit offences while in office he should punish them in proportion to the offence of which they are guilty.

#### **LAW VIII.**

##### **What Kind of Men the Secretaries of the King Should Be, and What Their Duties Are.**

Writing is something which brings all acts to remembrance; for which reason secretaries whose duty it is to do this, should be good men, and endowed with intelligence, and especially is this the case with those belonging to the household of the king, for it is proper that they should possess prudence and good understanding, and be loyal and reticent: for although the king, the chancellor, and the notary, may order documents to be drawn up in secrecy, nevertheless, if they should be telltales, they cannot be protected from the injury they cause, on account of all the papers which they have to record. They should be attentive, in order to listen to what is said to them so as to understand it, and they should know how to write and read well and correctly. They should also be without covetousness, in order that they may not appropriate anything except what the king orders them to take; and they should be shrewd, in order quickly to form an estimate of men: and they should be such as the king can punish for an offence, if they commit it; and it is a duty belonging to their office to record grants and decrees faithfully, in accordance with the memoranda given them, without omitting from, or adding to them, in any respect.

When they are persons of this kind, the king should greatly love and confide in them: and when they act in a contrary manner, by revealing the secrets which they were ordered to keep, or when they give documents to others to record without the order of him by whom this should have been done; or knowingly, in any way whatever, commit forgery, while in office, they will be guilty of open treason, for which they will be liable to lose their lives, as well as their property: for, as wise men said, a man who tells his secret to another, resembles one who delivers his heart into his power and his possession, and he who reveals a secret, commits as great a fault as if he sold it to him, or deposited it in a place where he could never recover it; and therefore he who treats his master in this way deserves the aforesaid penalty.

#### **LAW IX.**

##### **What Kind of Men the Guards of the King Should Be, and What Their Duties Are.**

In the preceding laws we described those officials whose duty it is to serve the king in confidential matters—which Aristotle compared to the impulses which act within the body—what kind of persons they should be, and what their duties were. Now we desire to speak of others, which he compared to the senses which act externally; whose duty it is to serve the king, by guarding and protecting his person. And although all persons in the kingdom are bound to watch over him, nevertheless, there are certain of them who are especially required to do so, by day, as well as by night. These are the Guards, and they are styled thus in accordance with the ancient language of Spain, for the reason that they should not separate from him until he is safely protected. This guard which they have to observe is to prevent him from receiving bodily injury from without: as, for instance, wounds, death,



or anything else, from which either harm or dishonor may result; and they must maintain it over him, after he has retired to rest, when they are required to watch and protect him while he sleeps. And, because they must always be prepared to devote their bodies to life or death on behalf of the king, they were formerly called Companions of the Palace.

Men of this kind should possess six qualities. They should be of good ancestry, loyal, intelligent, prudent, vigilant, and strong. For if they are not of good descent, it might happen that they, sometime, would not be ashamed to do something unbecoming to them. Where they are not loyal, they cannot love the king, or protect him as they ought. If they are not intelligent, they may fail greatly in the service and protection which they are required to render. When they are not prudent, they do not know how to appreciate or respect the benefits which are conferred upon them. If they are not vigilant, they will not know how to avert, or face dangers which may suddenly arise. If they are lacking in strength, they will not venture to defend or attack, when the king orders them to do so. And, leaving out of consideration all that we have said, they should be of good habits, quiet, neat, and civil in speech: for it is proper that those who constantly have to guard the body of the king, should be persons of this description, and when they are so, the king should love them and confide in them, and confer honors and favors upon them. When they are not persons of this character, for the reason that they neglect their duties in the watch they are required to keep over the king, and, through this neglect, he suffers personal injury and dishonor, they will be guilty of open treason, and should receive such punishment as those do who commit treason.

#### LAW X.

##### **What Kind of Men the Physicians of the King Should Be, and What Their Duties Are.**

Physic, as the wise men of the ancients defined it, means the ability to know all things according to nature, what each is in itself, and what effect it produces elsewhere, for which reason those who can practice it well, are able to produce much good, and remove much evil; especially by preserving the life and health of men, by preventing them from having diseases from which they endure great suffering, and die: and those who practice this are called physicians, and their duty is not only to endeavor to cure men of diseases but also to preserve their health, in order that they may not become ill. For which reason it is necessary that those physicians whom the king takes with him, should be excellent: and, as Aristotle said to Alexander, they should be endowed with four qualities. First, they should be skilled in their art; second, they should be thoroughly experienced; third, they should be clear-minded in deciding all questions which arise; fourth, they should be very loyal and true. For if they are not learned in their art, they will not know how to diagnose diseases; if they are not experienced in it, they cannot give good advice, which is something from which great injury results; if they are not clear-minded, they will not be able to face great dangers, when they appear; and if they are not loyal, they will commit greater treason than other men, for the reason that they commit it in secret. When a king has physicians who possess the four above-named qualities, and who make good use of them, he should confer great honors and benefits upon them; and when they knowingly act in a contrary manner, they will be guilty of open treason, as men who perfidiously kill others who trust in them.

**LAW XI.****What Kind of Men the Officers of the King Should Be Whose Duty It Is to Serve Him When He Eats and Drinks.**

Sustenance, as, for instance, that of eating and drinking, is something without which the body cannot be maintained: and, for this reason, the officials whose duty it is to serve the king in this respect, occupy a more important position than the others we have mentioned above, so far as preserving his life and health are concerned; for although his physicians may exert all their efforts to protect him, they cannot do so if he who prepares his food is unwilling to watch over him: and we declare that this applies to those who provide him with bread, wine, fruit, and everything else which he has to eat and drink. For, as Aristotle said to Alexander, these officers must possess seven qualities; first, they must be of good lineage, for, if they are, they will always avoid doing things which are discreditable to them; second, they must be loyal, for, if they are not, great evil may befall the king on this account; third, they must be of good understanding, that they may know how properly to perform the duties of their office; fourth, they must be prudent, that they may appreciate the good which the king does them, and may not lose their temper, or become arrogant with good fortune; fifth, they must not be extremely covetous, for excess of covetousness is the root of all evil, as stated elsewhere; sixth, they must not be maliciously envious, for, if they are, it may happen that they will be impelled by it to commit some wickedness; seventh, they must not be given to anger, for this is something that deprives man of his judgment, which is not becoming to those who hold such offices.

In addition to all these things which we have mentioned, it is especially fitting that they should be neat and clean, in order that what they have to cook to provide the king with food and drink, should be well-cooked and served to him in a cleanly way; for, when it is clean, he will be pleased with it, and by being well-cooked he will relish it better, and it will do him more good. When the king has men of this kind for such offices, he should love them and confer benefits and honors upon them: and where one of them is guilty of a fault, through not performing his duties as faithfully as he ought to do, as above stated, he should inflict such corporeal punishment upon him, as is inflicted upon a person guilty of the greatest act of treason that can be committed.

**LAW XII.****What Kind of Men the Butler and the Chamberlain of the King Should Be.**

The butler is another officer, who occupies an important position in watching over the person of the king. He bears this name because it is his duty to have possession of whatever the king orders to be kept in privacy, and he also has charge of other matters which relate to royal service, as, for instance, care of the fruit, salt, knives with which they carve in his presence, and certain other things pertaining to the food, which are brought before him, and which the butler has in his keeping. He should, therefore, himself possess all the qualifications which we mentioned in the preceding laws concerning other officials.

We decree that this also applies to the chamberlain, who is so called because he should have charge of the chamber where the king lodges, and of his chests, his clothing, and his papers and, even if he knows how to read, he should not read those papers, or permit anyone else to do so; and, in addition to all these things, he must not be a telltale or one who reveals what he sees and hears, but he should be discreet and silent, and endowed with a good talent

for secrecy. When the butler and chamberlain of the king are persons of this description, he should confer benefits and favors upon them, as we have stated concerning the others; but when they violate this law, they should receive the same punishment as the others.

### **LAW XIII.**

#### **What Kind of Men the Stewards of the King Should Be, and What Their Duties Are.**

Stewards are other officials whose duty it is to buy the provisions which are required for the sustenance of the king; and they are so called because they spend the money with which those things are purchased. They should have four qualifications; first, they must be shrewd; second, well-informed; third, loyal; and, fourth, they should have property of their own. If they are shrewd, they will always be clear-headed, in providing the articles of which they have need; and if they are well-informed, they will know how to select and purchase them to the advantage of their master, and give an account and list of them when it is necessary. If they are loyal, they will avoid stealing, not only from their master but from those from whom they purchase, and they will also know how to arrange what they buy, properly and in order in the place where they should do so. If they own property, they will be free from the desire of doing anything which will discredit them, or by means of which evil or harm will result to them so that they will lose their property: and, being men of this class, the king should grant them favors and benefits, as we have above stated concerning others; and when they fail in the discharge of their duties, the king should punish them in proportion to the faults which they have committed.

### **LAW XIV.**

#### **What Kind of Men the Doorkeepers of the King Should Be, and What Their Duties Are.**

The office of doorkeeper in the king's household is one of very great importance, for which reason those who occupy this position should be of respectable ancestry and loyal, and possess all those qualities which we mentioned in speaking of all other officers; and, above all, they should be very intelligent, in order to know what kind of persons to admit, and at what times they should do so; and it is necessary that they be of good address and polite speech, so that those whom they welcome may think themselves well received by them; and they should be able to give a reason for their conduct to those whom they do not admit: and, after they have admitted any persons, they should first inform the king who they are, and for what purpose they come, in order that he may ascertain, by their means, those to whom he should first give audience; because officers, as well as other persons, cannot enter the presence of the king, except by the hands of the doorkeepers, wherefore Aristotle compared them to the mouth, through which all things that sustain a man enter.

Moreover, for the reason that all men who enter the king's house are better acquainted with these than with the other officials, it was formerly declared that by their hands castles should always be given, and accepted; and because they conduct those who have complaints before the king, and before judges it was deemed proper that they should serve summonses, and deliver possession of property. When doorkeepers are persons such as are mentioned in this law the king should confer benefits upon them, or the opposite, when they do him injury; as we have stated in regard to other officials.

## LAW XV.

**What Kind of a Man He Who Provides Lodgings for the King Should Be, and What His Duties Are.**

He who provides lodgings for the retinue of the king is called an *aposen-tador*. He should raise a standard as his signal the day before, in order that men may know the place where the king is going to take up his abode. In addition to other good qualities which he ought to possess, he should be intelligent and prudent in order that he may know men, and assign quarters to each one, in accordance with his rank and the position which he occupies with the king; and he should assign them their places in such a way that those who occupy the lodgings may suffer neither injury nor annoyance. It is also a part of his duty to decide the disputes which arise between men on account of their apartments, for the reason that he has authority to determine which one of those between whom the dispute exists is entitled to them. Where the *aposen-tador* is a man of this kind, and discharges his duty properly, the king should love him and confer benefits and favors upon him; and if he commits any offence while in office, he should be punished in proportion to it.

## LAW XVI.

**What Kind of a Man the Standard-Bearer of the King Should Be, and What Pertains to His Office.**

The Greeks and Romans were men who, in ancient times, were greatly given to war, and so long as they carried it on with prudence and regularity they were victorious, and accomplished all that they desired. They were the first who made use of banners, in order that their great lords might be recognized in armies and in battles; and, also that nations and the people, might be controlled by paying attention to them and observing them, which is a kind of direction and command. And, esteeming it a very distinguished honor, they called those who bore the standards of emperors and kings, *principilarii*, which means, in Latin, officers who bear the principal ensign of a great lord. They also called such an officer, *praefectus legionis*, which means the commander of the divisions of the army, and this was the case because they determined important disputes which arose among them, and in some countries they were called dukes, which means commanders who lead armies. These names were used in Spain until it was lost and the Moors conquered it, and after the Christians recovered it, they called this officer *alferes*, and which name he now bears. And since in the preceding laws we described the two different kinds of officers who serve the king, and whom Aristotle compared to the senses and the members within the body; we now desire to speak of those officers who have duties to perform, whom he compared to the exterior members. Of these the first and the most honorable in rank is the standard bearer, as we have pointed out: for it is his duty to lead the army when the king is not present personally, or when he is unable to go and delegates his authority, and he, himself, should bear the standard, every time that the king engages in a pitched battle. In ancient times he was also accustomed to try men of high rank, by order of the king, when they gave cause for it. For this reason the sword is carried before him, as a token that he is the Supreme Judge of the Court, and it is also one of the duties of his office to protect and aggrandize the kingdom; and, where, anyone causes the king to lose any of his landed property, either town or castle, concerning which a challenge should be made, it is his duty to make it, and act as advocate in the demand; this also he should do in regard to other real or personal property which belongs to the dominions of the king, where anyone

desires to question or obscure the rights which the king has in it, unless they are such that no doubt can arise concerning them. It also pertains to his office to execute sentence on men of high rank who have given cause for it; and it is one of his duties, to ask mercy of the king for those who are innocent. He should declare by his order who shall argue suits in which widows and orphans of rank are interested when there is no one to argue them for them, nor anyone who can present their cases; and he should also provide for those who are charged with doubtful acts, and who have no advocates.

On account of all these important matters to which the standard-bearer is obliged to give his attention, he should, by all means, be a man of noble lineage, in order that he may be ashamed to do anything which may discredit him; and also because that he is obliged to sit in judgment on men of high rank, who have given cause for it. He should be loyal, in order to promote the welfare of the king and of the kingdom; and it is necessary that he be prudent, since he has to decide important questions which come before him, or arise in the army. He should be very energetic and learned in war, since it devolves upon him to be the commander-in-chief of the king's forces in battle. When the standard-bearer is a person of this kind the king should love him and greatly confide in him, and confer great honors and benefits upon him; and if he should happen to err in any of the matters aforesaid, he should be punished in proportion to the fault which he committed.

#### LAW XVII.

##### What Kind of a Person the Chief Steward of the King Should Be, and What He Has to Do.

The word *mayordomo* means one who has the principal office in the household of the king, and keeps the accounts growing out of his maintenance. In some countries he is called a *seneschal*, which means an officer without whom expenses cannot be incurred by the king's household. The ancients so designated him, for the reason that *senex* means old man, because he holds an honorable office, and *calculus*, indicates the stones with which counting was done; and therefore this title signifies an officer of honorable rank who has charge of the accounts. For it is the duty of the chief steward to keep the accounts of all the officers, not only of those who pay the expenses of the court, but also of the others who collect the revenues and taxes of every kind whatsoever from both sea and land: and since his office is one of great importance, and concerns many matters, it is necessary that he be of good lineage, diligent, well-informed, and loyal. For, if he is of good lineage, he will avoid doing anything which may discredit him, and by means of which he, and others descended from him, may be destroyed. He should also be diligent, as he must be familiar with all the revenues and taxes of the king, and how they should be collected and paid; and also how they should be increased, so that they may not be lost or diminished in amount. He should be intelligent, in order to be able to keep the accounts well and accurately, and, moreover, to give the king a schedule of them, so that he may know how to preserve the honor of his master and his own good fortune. And, above all, it is fitting that he be loyal, in order that he may promote the welfare of the king, and understand how to make men his friends, and dissuade them from injury and wrong. He can do this better than any other officer, for the reason that all the king's property passes through his hands, which is something that has great influence upon the hearts of men: and, if he is loyal, he will perform all his duties, and will acknowledge the benefits which the king confers upon him, and will know how to be grateful to him, and serve him.

When he is a man of this kind the king should greatly confide in him, and love and honor him, and confer many benefits upon him; and when he acts in any other manner, he should suffer the same penalty as one who commits offences against his master who trusted in him, while he occupied an honorable office, like that above stated; and his punishment should be in proportion to the fault which he committed.

#### LAW XVIII.

##### **What Kind of Men the King's Judges Should Be, and What Their Duties Are.**

Those are called judges who decide actions at law, and, for the reason that they are obliged to render judgment in the Court of the King, they hold a very great office; for not only do they determine the lawsuits which come before them, but they have also the power to sit in judgment over other judges of the country. On account of all this they should possess many excellent qualities. In the first place, they should be of good lineage, in order not to be ashamed to commit faults: and, they should in addition be endowed with good understanding, in order readily to comprehend the arguments made before them; and they should be orderly and wise, so as to be able to discriminate and decide justly. If they know how to read and write, they will be greatly aided thereby, as they, themselves, can then read documents, and petitions, and secret examinations, and these will not have to pass from one hand to another, and become public: and it is proper for them to be good reasoners, in order perfectly to weigh the arguments made before them, when they render judgment. They should, moreover, be patient, in order not to complain or be provoked on account of the speeches of the litigants, so that they may not say or do anything against them which would be unbecoming to them.

In addition to all this, they should be impartial, in order to dispense justice and equity to every one who comes into their court; and, undoubtedly, it is very essential that they should be persons of this kind in order that, by their decisions, they may not do anything which may result in injury to the king or to the people, or cause them to incur evil report or personal danger. Moreover, they should be firm, in order not to swerve from the law or the truth, or act contrary to them, on account of anything which might bring upon them either good or evil. And, above all, they should be very loyal, so that they may be able to observe all the admonitions aforesaid, and particularly that they may love the king, and protect his sovereignty, and everything belonging to him. When the judges are persons of this kind the king should love them, and confide greatly in them, and confer upon them great benefits and honors; and when they act in any other manner, they should be punished according to the offences which they have committed.

#### LAW XIX.

##### **What Kind of a Man the Adelantado of the King Should Be.**

It often happens that men are injured by the decisions which judges of the Court render against them; and it frequently occurs that the king cannot personally hear them, on account of engagements which he has, and it becomes convenient for him to appoint others in his stead. An official of this kind is called a superior judge, because it is his duty to correct the decisions of other judges; and they also call him *Adelantado* of the Court, for the reason that the king advances him, appointing him in his place to hear appeals: and since he occupies a position of this kind, and one that is so honorable, it is necessary that he be of exalted lineage, and very loyal, intelligent, and learned. He should possess all the qualities which we have mentioned in the case of other

officials whose duty it is to sit in judgment, as we have stated in the preceding law. For since he is required to review the decisions of other judges, and free the king from the annoyance of great lawsuits, it is eminently proper that he should possess all the above named qualifications. When he is a man of this kind the king should love him, and confide in him, and confer many honors and benefits upon him; and if he acts otherwise he should be punished as previously mentioned.

## LAW XX.

### Who He Is, Whose Duty It Is to Execute Sentences of the King's Court.

He whose duty it is to arrest, and execute sentence on men in the King's Court, either by his order or by that of the judges who decide causes is called an *alguazil*, in Arabic. The Latins, however, style him *justicia*, which is a name very suitable for him who holds the office, for the reason that he should be very just in discharging his duties. And although the standard-bearer is an official of higher rank in this respect, inasmuch as he has to execute sentence upon great men, and to perform the other acts which we have mentioned, nevertheless, the *alguazil* exercises similar functions, so far as executing sentence upon persons of inferior rank is concerned, and on those of higher rank, as well when he does this by order of the king, or the standard-bearer. It is also his duty to arrest those who should be called to account, and put to the torture such as have given cause for it; but he should not do this without an order of the king or of his judges, or of the superior judge of the Court; and when he is required to put anyone to the torture, it should be done in the presence of one of the judges, who may hear what the tortured person says, and cause it to be written down, that he may remember what he said, so that it cannot be changed. He should, moreover, have the custody of prisoners until they are sentenced to the punishment which they deserve, or are acquitted. And although we have stated above that he has no right to arrest anyone except by order of the king, or of his judges, or of the superior judge; nevertheless, he can do so if he should find any persons fighting, who have wounded or killed any man, or robbed anyone, or stolen anything. For it is a part of his duty to put an end to fights, and to punish those who engage in them wherever the king happens to be; he should, moreover, see that the people residing in the neighborhood do not suffer loss in their crops, in their vineyards, in their gardens, or in any other property belonging to them; and that they are not forcibly deprived of any of the articles which they take there to sell, or of such as they bring especially for the use of some particular person. In addition to all this, he must guard the place where the king lodges at night, that no violence, theft, or injury may be committed there. And because of all these duties, it is essential that the *alguazil* should be of good lineage, intelligent, wise, loyal, discreet and energetic and that he know how to read, and this is the case for the reasons which we have stated when speaking of judges, in the third law before this. When the *alguazil* is such a man, the king should love him and confer benefits and favors upon him, and when he commits a fault in any matter connected with his office, he should be punished according to the offence of which he is guilty.<sup>1</sup>

<sup>1</sup> The *alguazil*, whose name is an inheritance from the Hispano-Arabs, and among whom, as vizier, he was invested with the highest dignity of the state, is now the executive officer of the inferior Spanish tribunals. His functions are similar to those of our bailiff and constable. He serves processes, makes arrests, and leads the procession of *toreadores* at bull fights. His venality and bad faith, familiar to the readers of Don Quixote and Gil Blas, are but too well known to the Spanish populace, by whom he is execrated, and who have fastened upon him the suggestive epithet of "Don Judas."--Ed.

## LAW XXI.

**What Kind of Men the Messengers of the King Should Be.**

Those are called the king's messengers, whom the king sends to certain men, because that he cannot declare his will to them by words, or cannot, or does not wish to communicate it to them in writing. These occupy important, and highly honorable positions, being persons whose duty it is to declare the will of the king by word of mouth. On this account Aristotle compared them to the king's tongue, for the reason that, wherever he sends them they are required to say for him what he cannot say. He also compared them to the eye and the ear of the king, wherever they go for they have to see, and hear, what he does not see, or hear. Wherefore officials like these should be of good standing, loyal, intelligent, wise, fluent in speech, without covetousness, and of great secrecy. For, where they are not persons of this kind, they will not be ashamed to do something which will discredit them; nor will they be able to love the king, or regard his honor or his advantage; nor will they have sufficient discernment to appreciate, or understand him who sends them, nor, on the other hand, him to whom they go, or know for what purpose they are sent, or concerning what matters, which are three things that every messenger should comprehend. And if they are not ready in speech, they will not be able to explain what the king ordered them to say; and covetousness will cause them to accept something which will disgrace him who sent them; which messengers should not do, nor should they ask anything for their own advantage, until they have given an account of what their lord sent them for, because they should receive the reward of their labor from him, and not from the other party to whom they go. Moreover, when they are not endowed with secrecy, they may, for this reason, be a hindrance to the business concerning which they were despatched; and also show themselves to be men of bad judgment, and false to their master who sent them. It is, therefore, fitting for messengers to have all the good qualities which we mentioned in the first place, and, when they are persons of this kind, the king should love them and trust them, and confer great honors and benefits upon them.

In addition to these, there are messengers who are the bearers of other communications in writing, and who resemble the feet of men, which move at times to their advantage without speech; and although these do not occupy as high a position as the others, they should, nevertheless, possess three qualities, for they should be loyal, intelligent, and without covetousness, and they should have these for the reasons which we have given while speaking of the others. Being such, the one as well as the other, the king should love them and confer favors upon them, and when they act otherwise they should be punished in proportion to the faults which they committed while on their mission.

## LAW XXII.

**How the Adelantados Appointed by the King Over Different Districts Should Act.**

An *adelantado* means a man commissioned by order of the king for the performance of some special duty, and, for this reason, he who was appointed over some extensive territory, was called in Latin, *Praeses Provinciae*. His is a very important office, for he has, by command of the king jurisdiction over all the merinos, not only those of the various districts and boundaries, but also over those belonging to the towns. Aristotle compared an officer of this kind to the hands of a king, which extend over all the lands in his dominions, and arrest malefactors to execute the sentence of the law upon them, and to correct



abuses and evil deeds, in those places from which the king is absent. An *adelantado* should be very diligent in guarding the country, so that no tumults, or other evil seditions may arise in it from which injury will result to the king and the kingdom. He has also authority to hear the appeals which men take from decisions rendered by municipal judges against them, by which they consider themselves injured, which appeals are such as the king would hear if he were in that vicinity. He should, moreover, travel through the land for three reasons; first, to punish criminals; second, to cause justice to be rendered to men; third, to acquaint the king with the condition of the country. And whenever it happens that, on account of his labors or for any other good reason, he is obliged to take up his residence in any locality, he should be careful not to do so in the most disreputable part of it, but in such a place as he understands will be of most benefit to those of the neighborhood, and will but secure them from trouble and expense; for his inclinations and his tastes should not be considered in anything else than in properly performing the duties which pertain to the office to which he is appointed. Moreover, he should not constantly be accompanied by a numerous retinue, in order not to cause great expense, or oppress the country, for he who is appointed to protect it should not commit injury against it. In order to do this well and properly, he should have with him men who are familiar with the customs and the laws, who may assist him in deciding causes and with whom he may take counsel concerning matters which are doubtful. The king should provide him with these, in order that they may be such as we have stated those should be, who preside in his Court. He should also take with him a clerk, selected by the king, who should be such a person, as we have stated the secretaries of his household ought to be: and he should take down the arguments in all the cases, which come before the *adelantado* or the judges who accompany him, in the way in which they were argued, as well as the judgments which were rendered; and he should reduce all these to writing, that they may be recorded and remembered, so that if any doubt should arise concerning any proceeding, the truth can be ascertained.

Although an *adelantado* has authority to do all the things above mentioned, nevertheless, if any persons should consider themselves aggrieved by a decision which either he, or his judges, rendered against them, and appeal to the king, he should grant the appeal, and give the documents of his office, sealed with his seal, in which are inscribed all the arguments in the suits concerning which an appeal is taken, as they were made before him, or before his judges; and send them to the king along with the appellants, that he may ascertain whether their appeal is just, or not. Moreover, when any persons act insultingly in his presence, as by offering a challenge, he should not hear them, but send them at once to the king; and this is done on account of the noble birth of those who act in this manner, as well as because of the treasonable insult, and charge of perfidy for which a challenge ought to be made: for these two things no one but the king should hear or decide. An official of this kind should have all the good qualities which we have mentioned above in the case of the standard-bearer, and even more, for he should not be either proud or factious; for by his pride he will frighten people, so that no one will come before him to claim his rights, and if he is factious, he will show that he desires to acquire power for himself, and not for the king. When an *adelantado* possesses all the good qualities above mentioned the king should love him and greatly confide in him, and confer many honors and benefits upon him; and when he errs in any of the matters aforesaid which he is required to attend to by reason of his office, he should be punished according to the fault which he has committed.

## LAW XXIII.

**What Kind of Men the Chief Merinos Should Be, and What They Should Do.**

*Merino* is an ancient Spanish name, and means a man who is given superior power to dispense justice over some specified district, as for instance a town, or a certain part of the country, and these are of two kinds. There are some whom the king himself appoints in the place of *adelantado*, and such a one is called the chief *merino*, and has power equal to that of an *adelantado*. There are others who are appointed by the *adelantado*, or by the chief *merinos*: these, however, cannot execute sentence, except in special cases in which the authority of the king is invoked; as, for instance, where a road is obstructed, or in the case of a notorious robber; and also in the case of a violated woman, or the death of a too confiding man, or of robbery, or open violence, or other matters where every man may be involved, as, for instance, treasonable speeches, which some parties utter against the person of the king, or against those nearest to him, as above stated, or concerning popular insurrection. But, in other cases, they cannot execute sentence of death, or of imprisonment or or loss of limb, where a surety is given to abide by the custom of the country, or by the decision of the king, except where the latter especially commands it to be done. And, for the reason that the chief *merino* occupies a very high and honorable position, he should possess all those excellent qualities which, in a former law, we have ascribed to the *adelantado*: and he should receive reward and punishment in the same way as the latter does. The other and inferior *merinos* should be men of good standing, intelligent, wise, vigorous, and possessors of property; and, above all, they should be loyal, for, if they are not, they will be unable to accomplish the things which they are bound to do. If they perform all their duties the king should be grateful to them and reward them, but where they act otherwise they should receive such punishment in their persons or property as are proportionate to the offences which they have committed.

## LAW XXIV.

**What the Duties of the Admiral Are, and What Kind of a Man He Should Be.**

Marvelous are the deeds done on the sea, and especially those which men perform there, for instance, by inventing a way of traveling over it by mastery and by art, as in ships, galleys, and all other kinds of vessels. For this reason, in former times, the ancient emperors and kings who had possessions bordering on the sea, whenever they equipped ships to make war upon their enemies, appointed a commander over them, who was called in Latin, *dimioratus*,<sup>1</sup> which means in Castilian, a commander appointed, or commissioned for marvelous deeds, and he, in our times, is styled an admiral. His office is one of very great importance, for he is the commander of all the warships, not only when many are united and are called a fleet, but also when they are few in number and are called an armada. He has authority from the time when the fleet sails, until it returns to the place from whence it started; and it is his duty to hear appeals which men take from the decisions that the captains have given.

He should, moreover, inflict punishment upon all those who have given cause for it, as, for instance, such as disobey orders, or desert, steal or fight in such a way that he may receive wounds or death in consequence, but he has no right to punish the captains who are appointed by the king. For, although he has authority to arrest these, when they give cause for it, in order to con-

<sup>1</sup> This word is a barbarism, and does not exist in the Latin language. The commander of a Roman fleet was styled *Classis praeffectus*. The term *almirante*, from which our "admiral" comes, is derived from the Arabic *Amir-al-ma*, "Chief of the Sea."

duct them before the king, he has, nevertheless, no right to inflict punishment upon them, unless the king especially orders him to do so. It is also one of the duties of his office to account for all property which he obtains by sea or land, and have a schedule of it made in the presence of all the captains, or the majority of them, in order that no one may steal or conceal anything, and be able to render an account and list of this property to the king, so that he may receive his share of it, and each one of the others his: and it is also his duty, when the fleet returns, to cause to be given in writing to the representative of the king, a statement of all the arms and equipments of the ships which weighed anchor; unless it should happen that he has lost some of them, either in battle with the enemy, or by a tempest. It is also his duty to order each of the captains, to moor the galley or ship which he commands to the shore of the port, and cause it to be guarded, so that it may not be destroyed, or injured through his fault. Moreover, he has authority, in all ports, to compel them to obey his orders, and to do for him everything relating to the marine service just as they would do for the king himself. The captains, and all others with him in the fleet or the armada, should obey his commands, and acknowledge his superiority, just as they would that of the king. Therefore, since the office of admiral is such a powerful and honorable one, it is necessary that he possess all those excellent qualities which are enumerated hereafter, where mention is made of him and of marine warfare. When he is a person of this kind, the king should love him and greatly confide in him, and bestow substantial honors and benefits upon him; and, when he is not, he should suffer the same penalty as the *adelantado*.

#### LAW XXV.

**What Kind of Men the Tax-Gatherers of the King Should Be, As Well As Those Who Are Entrusted With the Royal Revenues, and the Collectors, and What They Have to Do.**

*Almoxarife* is an Arabic word, and means a man whose duty it is to collect the taxes of the country for the king, which are paid as tolls, tithes, and the quit-rent of shops. He, or anyone else, who is entrusted with the royal revenues, should be noble, faithful, understand how to make collections, how to keep things in order, and how to increase revenues. He should make payments to knights and other men, according as the king commands, not diminishing the amounts or substituting one thing for another in payment, without the king's consent; and we decree that the tax-gatherers of the king should be persons to whom he can have recourse, if they prove wasteful. They should also be loyal, and without covetousness, and make payments as we have stated above in the case of the *almoxarifes*; and all these officials should annually render to the king or to someone whom he appoints, an account of everything which they have received and disbursed by his command, verifying the payments by the king's letters, showing by whose authority they were made, as well as by the written acknowledgments of those who received them.

When these officers perform their duties well, as above stated, the king should confer benefits and favors upon them and when they act in any other way he should punish them in the manner as set forth in the Seventh *Partida* of this our book, which treats of this subject. With regard to other officers of towns, as mayors, notaries public, and examiners, as well as those occupied with the business of the king, we have shown who they are, and what they should do in the proper places in the Titles of this book in which these matters are dicussed.

## LAW XXVI.

**In What Way, and for What Purpose, the King's Officers Should Be Sworn.**

The officers of the king whom we have mentioned in the laws of this Title should be sworn kneeling before him, placing their hands between his, and swearing first to God, and afterwards to him as their natural lord, that they will always observe the seven following things. First, that they will watch over the life and safety of the king; second, that they will protect, as far as is in their power, his honor and his welfare; third, that, to the best of their ability, they will give him good and loyal counsel in all matters in which he asks it of them; fourth, that they will keep his secrets in word as well as deed, so that they will not be revealed by them in any way; fifth, that they will take care of the property for which they are responsible to him, or which belongs to his dominions; sixth, that they will obey his commands in everything, whether he gives them verbally, by letter, or by messenger; seventh, that each of them will perform the duties of his office well and faithfully, and that, on account of nothing good or evil which may come upon him, will he violate this oath in any way, and, if he does, that the wrath of God and his lord, to whom he swears, may be visited upon him. After they have taken the oath in this manner, each one should be invested with his office, and a certain task, for which he is best adapted, assigned to him, with reference to what he has to do. If the king finds that they keep this oath satisfactorily, he should confer many honors and benefits upon them, and greatly trust in them; and those whom he finds acting otherwise, he should punish according to the act, the time, and the place, in which they did so.

## LAW XXVII.

**What the Court Is, Why It Is So Named, and What It Should Be.**

The place where the king, his vassals, and his officers, whose duty it is daily to advise and serve him, and where the men of the kingdom gather, either for his honor, or to obtain justice or dispense it, or to transact other business, which they are required to communicate to him, is called the Court. It takes this name from a Latin word, called *cohors*, which means a union of companies; for there all those whose duty it is to protect the king and the kingdom collect. It has also another name, in Latin *curia*, which means a place where supervision is exercised over all the acts in the country, for there it must be determined to what each one is entitled, according to his rights and his station. It is called *corte*, in the Spanish language, because there is kept the sword of justice, with which all evil acts in word or deed are punished, as, for instance, the wrongs, violence, and arrogance which men do and say, by which they show themselves to be insolent and bold, as well as the jeers, falsehoods, and outrageous and vain speeches which render men contemptible and mean. Such as avoid things of this kind, and use words which are proper and well-considered, are called good and educated. They are also called courteous because the excellent qualities and other beneficial instruction which compose what is called courtesy, are always to be found and learned in courts. For this reason it was always a custom, in Spain, for men of rank to send their sons to be brought up at the courts of kings, that they might be polite and well-informed, and free from wickedness and faults, and might acquire good manners in speech as well as in action, so that they would become good, and their lords have reason to confer benefits upon them.

Where they are persons of this kind the king should be friendly with them, and bestow many favors and honors upon them: and those who are not so,

he should banish from the court, and punish for the faults which they commit, in order that the virtuous may be ambitious to practice what is good, the wicked be deterred from doing improper things, and the court be freed from all evil, and be filled and abound with all that is good.

### **LAW XXVIII.**

#### **To What the Ancients Compared the Court of a King.**

The ancient sages compared the sea to the king's Court, for, as the sea is long, and large, and surrounds the entire earth, and there are fish of many kinds in it; so, on the other hand, the Court of the king should be large enough to contain, accommodate, and receive everything which goes there, of whatever kind it may be; for there great suits must be decided, and important advice taken, and valuable gifts bestowed. It must also be of vast extent and dimensions, to be able to endure annoyances, complaints, misunderstandings of those who resort to it, and which are of many kinds; for everyone desires that business may be transacted according to his own will and understanding; and, therefore, for the despatch of all these matters, it is necessary that the court should be as capacious as the sea. And, leaving this out of consideration, it resembles it in other respects, for, as those who travel over the sea in fine weather go safe and secure with what they take with them, and arrive at the port which is their destination; on the other hand, with respect to the court, when suits are decided there justly, men return in safety and joyfully to their homes, with their property, and, from that time forward, no one can contest their ownership of it, or take an appeal elsewhere. The court has also another resemblance to the sea, for, while men travel over it, and a tempest arises, if they do not know how to be guided, or to protect themselves, they run the risk of losing their lives and their property, by drowning, and swallowing the bitter water of the sea; and, on the other hand, those who go to the court with unreasonable complaints, lose their suits, and are overwhelmed by that which they coveted to possess; and sometimes they deservedly lose their lives there, by swallowing the bitterness of justice, on account of the offences which they have committed.

Wherefore, in the first place, the king who is the head of the court, and the others who are there, to render him counsel and assistance, by means of which he may maintain justice, should be very prudent in hearing unjust causes, and very patient, so as not to be hasty or be affected by extravagant speeches, which men may utter or by the prejudices or envy which they entertain towards one another, so as to cause the latter to contract a dislike for the king, and his advisers, if they do not do as they desire. For this reason those who are in the Court should be of one accord and of one mind with the king, always to advise him to act for the best, constantly watching him and themselves, so that they may not err, or act contrary to law. And just as sailors are guided in the darkness of the night by the magnetic needle which shares the qualities of both the stones and the stars, and shows them where to go, in bad, as well as in fine weather; so those whose duty it is to advise the king should always be guided by justice, which is the mediatrix between God and the world at all times, in order to reward the good and punish the wicked, each according to their deserts.

### **LAW XXIX.**

#### **What a Palace Is, and Why It Is So Called.**

Any place is called a palace where a king publicly associates with men to talk with them. This is done in three ways, either in deciding suits, in dining,

or in audiences. And, since men assemble here rather than elsewhere to converse with the king, it is called a palace, which means a public place, and for this reason it is proper that no other words be spoken there but such as are true, sincere, and polite. For in judicial proceedings they must be true and very accurate, in order that the suit may be justly decided. Where entertainments at table are concerned, they should be very courteous, as becomes a place of that kind, and should not, in any way, exceed the limits of propriety: for a person ought not to keep silence, or whisper in the ear of another, or indicate by signs what he desires to say, like men belonging to a religious order; nor, on the other hand, should he speak in a loud voice. For the palace, at such a time, should not be a place of secrecy, which would be going to one extreme, nor one of great bustle, which is going to another: for, while men are eating, it is not necessary to argue, or upbraid, or speak of anything else except what is consistent with good and polite behavior. And when conversation is engaged in by persons received as guests, it should not be conducted with wrangling, or with ridicule, or with any play of words, except in a suitable manner. For a debate ought to be carried on in such a way as not to diminish a man's prudence by making him angry, for this is something which destroys his self control; but it should be done so that the understanding may be improved by it, by discussing matters reasonably in order to arrive at their truth.

### LAW XXX.

#### What Things Should Be Observed in Ridicule.

To be able to ridicule acts or subjects as they were, are, or can be, is a great gift in those who know how to use it properly. For this to be done suitably attention should be paid to three things, namely, the time, the place, and the manner; the time should be considered, in order that it may be opportune to the subject which is to be ridiculed, by showing by a good word, a good example, or a good action, something else by which a comparison may be made, so that what is good may be commended, and what is evil censured. Attention should also be paid to the place, so that those who use ridicule may apply it to such men as will profit by it; as, for instance, where it is desired to rebuke a parsimonious man, by offering him the example of men who are generous, and a coward to be reproved, by offering him the example of those who are brave. Moreover, care should be taken to employ ridicule so that what is said may be expressed in courteous and polite words, in order that it may appear that men thoroughly understand what they are saying; and also that those whom they are addressing may desire to hear and learn. In jesting, care should be taken that whatever is spoken should be said politely, and not refer to any quality which he with whom they jest possesses, but the contrary: as, where the party is a coward, he should be told that he is brave; and where a man is brave, to jest with him concerning cowardice. This should be done in such a way that he, with whom persons are jesting, will not consider himself treated with contempt, but will be pleased; and he, as well as all others who hear what is said, will be compelled to laugh at it. He who says a thing of this kind, should also know how to say it in a proper place, for, under other circumstances, it would not be raillery. On this account the ancient proverb said, that is no jest at which a man does not laugh. For a jest should be made with cheerfulness, and not with anger or sadness, wherefore a person who knows how to avoid outrageous and improper words, and employs such as we have mentioned in this law, is called *palanciano*; because the ancient sages and all intelligent men employed words of this kind in the palaces of the kings more than elsewhere; and those who were skilled in this, were treated with more honor there than anywhere else. Wise men valued this accomplishment more highly, for those

who possessed it, were formerly, and not without reason, called worthy cavaliers; for as understanding and speech distinguish men from other animals, the more perfectly one possesses these qualities, the greater he is as a man. The king should love, and confer great benefits and honors upon those who make use of words of this description, and know how to apply them, and such as venture to attempt this, without being qualified for it, in addition to showing themselves bold and ignorant, should be punished, and expelled from the court and the palace.

## **TITLE X.**

### **How the King Should Act in His Intercourse With All Those in His Dominions.**

The king, in his intercourse with all the persons of his dominions, should love, honor, and respect each one of them, according to his rank, or the service which he receives from him. For which reason, since in the preceding Titles we have stated how the king should act towards the officers of his household and of his country, we desire to state here, what he should be in his intercourse with the entire people; and also how the king should love and protect them, and for what reasons he should do so.

#### **LAW I.**

##### **What the Word People Means.**

Some persons think that by the word people is meant the common people, as, for instance, mechanics, and laborers, but this is not the case, for, in ancient times, in Babylon, Troy, and Rome, which were famous cities, all these matters were regulated in a reasonable way, and a suitable name was given to everything. There the union of all men together, those of superior, middle, and inferior rank, was called the people; for all are necessary, and none can be excepted, for the reason that they are obliged to assist one another in order to live properly and be protected and supported.

#### **LAW II.**

##### **The King Should Love, Honor, and Protect His People.**

The people should be greatly beloved by their king, and he should especially show his love for them in three ways. First, by conferring benefits upon them, and doing them favors when he understands that they have need of them: for since he is the soul and life of the people, as wise men said, it is eminently proper that he bestow favors upon them, as upon those who expect to live by means of him, being maintained by justice. Second, by showing compassion for them, being grieved on their account when he has to inflict any penalty upon them: for since he is the head of all, he should be as grieved by their misfortunes as he would be if his own members were afflicted. When he acts in this way towards them, he will be to them as a father who brings up his children with love, and punishes them with mercy as wise men have stated. Third by having pity upon them, and remitting, at times, the penalty which they deserve on account of the offences which they committed. For although justice is excellent in itself, and something which the king should always practice, he would nevertheless practice it in a very cruel manner if sometimes it was not tempered with mercy. On this account the ancient sages and the saints praised it greatly, and King David, in particular, spoke as follows: "That kingdom is well preserved, where mercy and truth are found together, and peace and justice embrace one another." The king should, moreover, honor his people in three ways; first, by assigning to each one his own place, which is suitable for him on account of his lineage, his good qualities or his services; and he should maintain him in it, where he does not do anything for which he should lose it, as, in that instance, it would pass into the possession of the people, as learned men have declared. Second, by honoring the inmates of his palace, praising the good deeds which they have done on his account, so



that they may secure fame, as well as honor thereby. Third, by desiring that others will entertain the same opinion and by their honoring them, he himself will be honored through the honors which they receive. He should also protect them in three ways. First, individually, by not treating them in an improper manner, as he would not desire that others would treat him, and by not taking so much from them, at a time when he can avoid it, so that afterwards he cannot obtain their assistance, when he needs it. And by protecting them thus a union will be formed between them which cannot be broken, and he will increase their prosperity as well as his own. The second way in which he should protect them is from injury from themselves, when some are guilty of violence or wrong towards others; and to do this it is necessary that he maintain justice and law, and do not permit those of superior rank, who may be arrogant, to seize, rob, or take by force the property of their inferiors, or injure them. He will then be such a person as wise men have said he should be, that is, one who restrains the proud and strengthens the humble, and by protecting his subjects in this way, they will live in security, and each one will enjoy what he possesses. The third way in which he should protect them, is from the injury which may result to them from foreigners, by whom their enemies are understood: for he should shield them from these in every way he can, and he will then be their wall and their refuge, as the ancients said he ought to be.

Therefore a king who thus loves, honors, and protects his people, will be loved, feared, and served by them, and will be truly fit for the position in which God placed him, and will be considered a good man in this world, and for this reason will forever obtain happiness in the next; and God will inflict the opposite of all this upon him who acts in any other manner.

### LAW III.

#### **For What Reasons the King Should Love, Honor, and Protect His People.**

We stated in the preceding law that the king should love, honor, and protect his people, and we explained in what way. We now wish to show for what reason he should do this, and, in order to make it better understood, it is proper that we present the comparison which Aristotle gave to King Alexander with reference to the maintenance of the king and of the people; for he said that the kingdom is like a garden, and the people like trees, and the king is the owner of it, and his officers—whose duty it is to preside in court and to assist in seeing that justice is done—resemble laborers: the noblemen and knights correspond to the persons paid to guard it; the laws, customs, and rights represent the palisades which surround it; and the justices and judges are similar to the walls and hedges by which it is enclosed, so that none can enter to cause damage. Moreover, on this subject Aristotle stated what the king should do in his kingdom in the first place, showing favor to every one according to his deserts, for, in this respect, he resembles water which causes everything to grow; and he thus enables the good to prosper by conferring benefits and honors upon them, and cuts off the wicked of the kingdom with the sword of justice, and roots out the wrongdoers, banishing them from the country, in order that they may not commit injury within its borders.

To accomplish this he should have officers who know how to interpret the law and render judgment. He should also hold the knights and the other men of arms in readiness to defend the kingdom, that it may not receive injury from malefactors within, or from enemies from without; and he should give the people good laws and fueros, by which they may be guided, and become accustomed to live properly, and not go to extremes in anything; and above all he should surround them with justice and truth, and cause these to be preserved, so that no one will dare to infringe upon their rights. Acting in

this manner, there will befall him what Jeremiah the prophet said: "I appoint thee over peoples and kingdoms, that thou mayst eradicate and consume, and cultivate and plant." He also said elsewhere that it is a task especially belonging to kings to settle the contests arising among men, by dispensing justice and law; by liberating those who are oppressed by the power of evil-doers; and by assisting widows and orphans who are weak, as well as strangers, in order that they may not suffer wrong or injury in his dominions. What was stated in the ancient laws also agrees with this, namely, that it especially pertains to his office to assist and protect persons of this kind above all others in his kingdom. Thus, for all the above named reasons, it is eminently proper for kings to protect their kingdoms well, and to love, honor, and guard their people, each one according to his station; and the prelates of the Holy Church as well because on earth they occupy the place of the Apostles, to preach and explain the faith of Our Lord Jesus Christ. He should also love the whole body of the clergy, secular as well as regular, for the reason that they are bound to pray to God for all Christians, in order that He may pardon their sins and direct them in His service. He should also love, honor, and protect the churches, maintaining them in their rights: for it is very fitting that those places where the body of Our Lord Jesus Christ is consecrated, should be loved, honored, and protected. He should moreover love, and honor the lords, because they constitute the nobility and the court of his kingdom. He should love and honor the knights, because they are the defense and refuge of the country, for they should not hesitate to suffer death for the sake of its protection and aggrandizement. He should also love and honor masters of the great sciences: for, by their efforts, many men are made good, and, by their counsel, kingdoms and great lords are often sustained and guided; for, as the ancient sages said, the wisdom of the law is another kind of knighthood, by means of which boldness is crushed, and wrongs are righted. He should also love and honor the citizens, for the reason that they resemble the treasures and foundation of the kingdom. He should also treat in the same way traders, who bring, from other countries, to his dominions such things as are needed there. He should also love and protect mechanics and artificers because by means of their trades and their labor, kings are assisted and controlled, as well as all others in their dominions, and no one can live without them. Moreover, all the above named persons, each one according to his rank, should honor and love the king and the kingdom, and watch over and increase their rights, and all of them should serve the king in accordance with their duty, he being their natural lord, who is their head, their life, and their support.

When a king acts in this manner towards his people, he will have prosperity in his kingdom, and will become rich by means of it, and will be aided from its resources whenever he has need of them, and will be considered wise; and all the people will love and praise him, and he will be feared as well by strangers, as by his own subjects. When he acts in any other way, the opposite of this will befall him, which will cause him to receive severe punishment, in this world as well as in the next.

## **TITLE XI.**

### **How the King Should Act Toward His Country.**

When a man profits by those things which he possesses, he will derive from them three advantages; first, he will be considered wise; second, he will acquire profit thereby; third, he will receive pleasure from such a course. Wherefore, since in the preceding Title, we have shown how the king should act in loving, honoring, and protecting his people; we desire to state here how he should act toward his country, and we shall explain how he should love, protect, and honor it.

## **LAW I.**

### **How a King Should Manifest Love for His Country.**

The king is bound not only to love, honor, and protect his people, but also the country itself of which he is lord; for since he and his people subsist on those things which are contained in it, and get from it all that they require, and with which they accomplish and perform all their acts; it is just that they should love, honor, and protect it. The love which the king should have for it is of two kinds; the first in will, the second in deed. That which is in will should manifest itself in his earnest desire to have it well inhabited and cultivated, and by his always showing his pleasure when the seasons are favorable. The second, which is in deed, is manifested by causing it to be settled by good people, and preferably by his own subjects, if he can obtain them, rather than by foreigners, as, for instance, by knights, laborers, and tradesmen; and by having it cultivated, in order that men may obtain its fruits more abundantly; and although the country may not, in certain localities, be fertile, so as to yield, of itself, grain, wine, and other products useful for the sustenance of men, nevertheless, the king should not desire it to remain desolate on account of not being tilled; but he should do with it whatever men skilled in such matters suggest. For it might happen to be good for other purposes by which men profit, and should not be neglected; as, for instance, it might be used for the mining of metals, or the pasture of flocks, or for the cutting of firewood or timber, or for other things like these of which men have need.

The king should moreover order bridges and highways to be constructed, and should repair all bad places, so that men can travel and conduct their beasts of burden and transport their property, from one place to another without hindrance, so that they may not lose them in the fords of rivers, or in other dangerous spots over which they travel. He should also order inns to be built in the towns, where men may be entertained, so that they will not have to lie in the streets for want of lodging. He also should cause houses of shelter to be built in desert places where he understands it is necessary, so that people may be able to lodge themselves and their property in security, and malefactors cannot steal it, or deprive them of it. All that which is above mentioned is for the general benefit, for the reason that it constitutes works of piety, and, in this way, the country will be better inhabited, and persons will also have greater desire to live and remain there.

## **LAW II.**

### **How the King Should Honor His Country.**

The king should honor his country, and especially should he do so by ordering the cities, towns, and castles to be surrounded by good walls and tow-

ers: for this causes them to be more distinguished, more noble, and more ornamental, and it also affords great security and protection to the people at all times; and, moreover, he should honor his country in his speech by praising its excellences.

### **LAW III.**

#### **How the King Should Preserve His Country.**

The king should be diligent in preserving his country, so that neither its towns nor villages may be abandoned, or the walls, or towers, or houses be ruined through want of care. He should also see that neither the trees, nor the vines, nor any of the other things upon which men subsist, are cut down, burnt, uprooted, or injured in any other way, or destroyed through the enmity which persons may entertain towards one another. Moreover, he should protect the country from public enemies, so that they cannot do any damage within its borders, as will be referred to hereafter in the Title treating of Armies. A king who acts in the way above mentioned, and who loves, honors, and preserves his country, will be, himself, as well as those who reside there, honored, rich, prosperous, and feared, by reason of this; and if he acts otherwise, the opposite of this will befall him.

## **TITLE XII.**

### **How the People Should Act in Order to Know, Love, and Fear God and Their King.**

Aristotle, and other wise men declared, that the spirits which exist naturally in living things, are of three kinds. One they called fruitful, and this trees, plants, and all other products of the earth possess. Another they said was endowed with feeling, for this all things have that live, and naturally move, of themselves. The third they called gifted with reasoning power, which itself has understanding to learn and distinguish matters by the power of reason. The first two above mentioned, as well as the last, belong to man and to no other animal whatever; for which reason wise men said that, God united in man all these three kinds of spirits, in accordance with which he should love three things from which every advantage should result to him that he could hope to enjoy in this world, as well as in the next. First, he should love God; second, his natural lord; third, his country. And, since in the preceding Titles we have shown according to the statements of the wise how the king should act towards God, towards himself, and towards his people; we intend to state here, as they explained it, how the people should act towards God, towards their king, and towards their country. And although wise men mentioned, in the first place, the fruitful spirit, by means of which they instituted a comparison how the people should love their country; and also spoke of the sensible spirit, which they compared to the love that the people should have for their king, who resembles one of their senses; and, afterwards, alluded to the reasoning spirit, by means of which they made a comparison of the love which the people should entertain towards God: we, considering that what they said of Him should be first mentioned, have, therefore, deemed it good and proper, to speak in the first place of the reasoning spirit. We shall explain, as the wise men did, how the people should act towards God, from whom they derive understanding and reason, in order to do everything well, and we declare that the people should know, love and fear God, for reasons which will be stated hereafter in the laws of this Title.

## **LAW I.**

### **How the King and the People Should Know God Naturally.**

The spirit endowed with reason, is endowed with two kinds of intelligence, as the wise men declared. One, is to know God and celestial matters, the other to comprehend and perform things of a temporal nature. By means of the first kind of intelligence, one should know God, what He is and what His attributes are, and know all things exist in Him. By means of the second, he should know all the other things which He made, in what way He created them, how He regulated them, and the benefit that results to man by their means, and, by knowing this, he will understand how he himself should live and take care of his property. Moreover, by knowing all things are in the power of God, he will ascertain with more certainty the good resulting to him from His acts, and will know how to make use of it, so that he may obtain profit thereby, and not grieve God; since all things are in His hand, and must return to Him and to His power. Therefore, on these grounds, the wise men showed and proved, that the people should do three things for God. First, believe in Him firmly and without any doubt; second, love Him earnestly, on account of the surpassing excellence which exists in Him, and which he constantly be-

stows; third, fear Him, on account of the great power He possesses, having created all things out of nothing, and being able to bring them back to that same condition, when he desires to do so; and who can as well give to each one an abundant reward; to those who are good, more than the heart of man can conceive, and can inflict punishment, without end, upon the wicked.

## **LAW II.**

### **How the People Should Know God Through Belief in His Law.**

That people is fortunate and properly governed, which exerts itself to the utmost of its power to know God. And, although it should know Him by nature, as set forth in the preceding law, it is also proper that it should know Him through belief in His religion which is sometimes beyond nature, and for which faith, hope, and love are needed. It is proper for it to have faith under all circumstances, for the understanding of man is not so strong that he can attain a perfect knowledge of God, except by its means. It must also have a firm hope in Him, for, as St. Augustine said, no one can be at rest with anything except with what he loves. Moreover, faith is the root and foundation by means of which one can have perfect knowledge of God, for which reason we desire to speak of it in the first place, and to show why the people should have it, as was declared by the Holy Fathers and the ancient sages.

## **LAW III.**

### **For What Reasons the People Should Have Faith in God.**

St. Isidro, who was a great philosopher, established many regulations in the Holy Church, and designated each by name in accordance with what was fitting and he said that faith was something by which man truly believes what he cannot see. Moreover, St. Augustine said, that faith is to reflect upon things which a man should believe and be confirmed in his belief: and St. Paul declared, that faith is the substance of things which a man hopes to possess, since it is the evidence and truth of things which are not apparent. Faith has such great force that, as the saints and wise men said, it is the light which illuminates the understanding of man, and causes him to know God, and his power, justice, and mercy; and shows him how he should praise and be grateful for the benefits which He bestows upon him. It also causes him to become acquainted with spiritual matters, which cannot be learned by nature, and, above all, it shows him the way to salvation; for, as St. Augustine said, faith has such power, that it takes from man the fear of death, which all know must destroy the life of this world, when he believes that, by means of it, he will obtain the love of God, and life in the other world which will endure forever. On this account, Our Lord Jesus Christ said: "Whoever believes in me, although he may be dead, yet shall he live." Therefore it is eminently proper that the people should possess true faith: for Seneca, the philosopher, although he was not a Christian, deemed it so excellent, that he said in its favor that no good would come to any person who lost it, and therefore those who do not possess it, in addition to the punishment they deserve to suffer in the next world, should also be punished, as infidels in this.

## **LAW IV.**

### **For What Reasons the People Should Have Hope in God.**

Hope is something by which man believes that he will obtain that in which he has faith; and this St. Augustine declared in the book entitled "The City of

God." He also said, that hope is the earnest desire which man has to secure the benefit of eternal life, through the great confidence which he has to obtain it. He also stated in the book of sentences of Holy Scriptures, that hope is a certain expectation of good fortune, which comes through the grace of God and the deserving of him who hopes to obtain it. Every Christian should have good hope for two reasons. The first of these is a natural one for, according to nature, every man who is afraid of falling, takes hold of something and leans upon it, that it may aid to support him, so that he will not fall. And this the soul of every Christian should do which knows and understands its weakness; for it should seize and lean upon the hope of God, as it will not suffer him to fall. For this reason Isaiah the prophet said: "He who walks in darkness and does not see the light, and also he who lives in great trouble and affliction, and to whom the way of good fortune is not visible, let him hope in Our Lord God, and lean upon Him, for hope of this kind is something stable and he who lays hold of it, will have no fear of falling."

The second reason for which men should have hope in God, is according to the admonition of the prophets, who warn us that we should have it, in order that great benefit may result to us therefrom. And this is proved by what King David, the prophet, said, namely: "Let those who recognize Thy name, O Lord, have hope in Thee, and do not abandon those who petition Thee." Moreover, Jeremiah, the prophet, said: "Our Lord God is good to those who have hope in Him, for hope is always sure of the mercy of God, and, for that reason, His mercy never ceases to flow, like a fountain, with many kinds of benefits, upon those who have hope in Him." Jeremiah also said: "Fortunate is he who has hope in God, for He will be his hope, and it will be with him as with a tree planted near waters, which, by reason of their moisture, takes root in such a way that aridity cannot affect it in time of drought:" and this also agrees with what King Solomon said, namely; "Truth is like a tree planted in a favorable situation, for it is always united with the goodness of God, and receives from it great power."

## LAW V.

### What Benefits the People Enjoy Who Have Firm Hope in God.

Many advantages arise from the hope which men have in God, for by means of it they live in security, wherefore the prophet David said: "In God is my hope, and, for this reason, I will not fear what man will do to me." And it is a very excellent thing for men to have hope in God, for, as this same prophet said, He is the protector of those who have hope in Him. He also said: "The Lord is the preserver of my life, then of whom shall I be afraid?" for God is truly the wall and hope, everywhere, of those who trust in Him, and He is the preserver of his people. Moreover, hope endows man with good understanding, and, for this reason, King Solomon said: "Whoever has hope in Our Lord God will comprehend the truth." Hope is also of great assistance to man, and, concerning this, King David said: "My heart had hope in God and was assisted by him." The prophet David also shows this when he says: "Our fathers, O Lord, had hope in Thee, they hoped and Thou didst liberate them." And with this agrees what the prophet Daniel said, when they accused Susanna, who was imploring heaven and weeping, and had, in her heart, great hope in God, and He liberated her. Hope also makes a man strong, which the prophet Isaiah calls attention to when he says: "Whoever hopes in God makes Him his fortress." Hope also sustains man, for which reason the prophet David said: "God does not desert those who hope in Him, for hope is to man repose in weariness, moderation in labor, and consolation in grief."

And with this agrees what the Apostle said: "We receive great comfort when we have recourse to our hope, for it sustains us, so that the weight of our troubles does not oppress us." Hope also renders a man fortunate and, therefore, the prophet David said: "Happy is the man who hopes in God." King Solomon said the same thing: "Whoever has hope in God is fortunate;" and Isaiah the prophet said that all those are fortunate who trust in God, for they will receive what they desire. For this reason every Christian should entertain good hopes, for as faith would be dead without good works, so faith is not complete in man without good hopes; since it is the invigorating spirit of faith, and its guide to obtain what it desires.

For all which reasons it is very desirable for the people to have it, for as they should live by exerting themselves to do good, they should also have a firm hope that they shall be well rewarded for doing so, and accomplish what they desire. Those who do not act in this manner, leaving out of consideration the evil which will come upon them in this world, for their hearts will never be at rest through their want of good hope; in the next world God will inflict upon them that penalty which those who are despairing deserve.

## LAW VI.

### For What Reasons the People Should Love God.

Charity, in Latin, means the love which one has for anything; by this word, however, is rather understood the love of God than that of anything else.\* For, as St. Augustine said: "Love is a virtue by which men desire to see God, and enjoy his benefits;" and other saints declared, that love is something by means of which man is attached to God on account of the good which he hopes to receive from him; and, moreover, he loves his neighbor on account of his love for God; for which reason the people should love God above all other things in the world, for by loving him they must love one another. And this is proved by the old law which says: "Love thy Lord God with all thy heart and with all thy soul, and thy neighbor as thyself." Moreover, St. Bernard said, that a man who does not love God with all his soul, does not love anything, since He was the origin of it, and to Him it must return, if it enjoys his love. And if children love their parents naturally in this world, because they were born of them, and hope for their favor, and to inherit their property after death; much more should man love God, who created him out of nothing, and gave him an intelligent soul and mind; in whose hands rest his life and safety, and all the benefits which he receives in this world and hopes to receive in the next. Wherefore St. Augustine said: "A man should love his father, but he should have still greater love for God who created him." And King Solomon said: "Thou shalt love God who created thee, with all thy soul." Moreover, St. Bernard said that if a man would reflect diligently on the greatness of the favors which God conferred upon him, he would love Him much more than he does, for He created him a very handsome creature, and also gave him a soul which bears resemblance to himself, and endowed him with understanding, so that he could distinguish good from evil, and made him an associate with himself in eternal life. St. Augustine said that all animals which God created, he caused to carry their faces low, and near the earth, and caused them to seek their living in it; but he created man upright, and raised his face toward heaven, to enable him to understand that his heart and soul should be directed to celestial matters whither his face was turned, and from whence he derives the intelligence and the reason which he possesses above all creatures in the world.



**LAW VII.****For What Reasons the People Are Greatly Bound to Love God.**

God conferred a great and marvelous favor upon all people, by showing them another new kind of affection, in addition to those we mentioned in the preceding law. For it was not sufficient for Him to create this world out of nothing, and to make man the handsomest creature in it, and of greater intelligence than all the others, and render him their master; nor that he was unwilling to impose the penalty upon him which he deserved because he disobeyed his commands; nor was unwilling to punish him for the faults which he afterwards committed, as he could, and should have done; but so great was his compassion, that, in addition to all this, He desired to give him a token by which man might know that His mercy would never be lacking to him whenever he had need of it. And this token was Our Lord Jesus Christ, His son, whom He sent into the world to be a mediator between Him and man, and wished him to assume the flesh and form of man to endure torments greater than anyone else, and suffer a very cruel death: and this he did to free man from the power of the devil. For which reason the Apostle St. Paul said: "Know ye the grace of Our Lord Jesus Christ, who made himself poor for our sakes, in order that we might become rich through his poverty." Moreover, St. Bernard said: "That man has little gratitude who does not reflect that everything proceeds from God who redeemed him." He said also, that if man were to give everything to God because he created him, he should give him much more because he redeemed him; and this is the case because he created him with more ease than He redeemed him, He used many words, and performed many wonderful acts. And, concerning this, St. Bernard also said: "The sons of Adam are greatly hardened who do not obey, or observe moderation towards Him who loves them strongly, and who, for the sake of vile things, squandered such noble and precious merchandise."

The people should also love God, on account of the many great things which he promises them and has prepared for them, as the Apostle St. Paul says, and with whom the other saints agree: "That eye hath not seen, nor ear heard, nor heart been able to imagine what God has prepared for those who love him." Also, the Apostle St. James said, that Our Lord God keeps the crown of his kingdom for those who love him; and, in addition to all this which he has prepared in the other world, he confers many benefits upon them in this, and frees them from many afflictions, many sufferings, and many dangers, when they have recourse to him, as St. James said: "I am the salvation of the people everywhere, and whenever, in tribulation, they call upon me, I will hear them and grant their prayers, and will be their God forever." Therefore, for the reasons that we have mentioned in this law, in which Our Lord manifested such a wonderful love for the people that the heart of man cannot in any way conceive of it: on the other hand, the people are bound to love him above everything else in the world, and those who do not do so, in addition to his wrath to be visited upon them in the next world, should receive in this the penalty of ungrateful men, who do not know how to evince gratitude for the benefits or the love which the Lord bestows upon them.

**LAW VIII.****How the People Should Fear God, and for What Reason.**

The Holy Fathers and the ancient philosophers declared that fear is, as it were, the guard and doorkeeper of love, for, without it, nothing is thoroughly accomplished. Wherefore, if men fear the things of this world which they love, how much more should they fear God who is our Lord, and who is above

all spiritual and temporal things: for, although the people may have faith, hope and love, if fear is not present to protect them, all will be of no avail. And, in addition to this, St. Augustine said that the fear of God is the terror which seizes the heart of man spiritually, through apprehension of losing his soul and God's love, and he said also: "Fear is love which repulses from itself such things as are opposed to it." And John of Damascus, who was a wise man, said that fear is the expectation of evil, when a man thinks he will lose what he loves, and receive evil in its stead, and for this reason it is eminently proper for the people to fear God in order not to lose his love, or incur his anger. And that this is true, He showed because He commanded Moses, in the old law, to tell the people to fear God in order not to lose his love, as he was their lord unqualifiedly; and by this it is understood, that he is so forever in this world, as well as in the next.

Joshua, who was the commander of the Jews after Moses, also told the people of Israel to fear God, and serve him with all their hearts. And King David said: "Serve God with fear and rejoice before Him, while fearing Him." He also said, that not only the people, but the saints, should fear Him; and his son, King Solomon, declared, that whoever desired to walk uprightly in the service of God, should possess justice and fear.

And, in addition to these reasons, which the above mentioned persons, who were kings, chieftains and prophets, naturally gave, and also in accordance with the statements of the saints and philosophers, the people should greatly fear God, because he created all things out of nothing, and will cause them to return to nothing when he so desires; and through his wisdom all creatures have existed, and to his power they must return. The people should also fear God, because he is rigidly just; for as Saint Gregory said, just men perform their duties with apprehension remembering, above all things, before what judge they themselves must appear. Moreover St. Jerome said, that he is a wise man who fears what may happen to him. And also, Our Lord Jesus Christ said: "Do not fear those who can only kill the body, and have no power over the soul, but fear him who can kill both body and soul in the fires of hell." Wherefore, people who do not fear God in this manner, in addition to the severe punishment which He will inflict upon them in the next world, where they will derive no advantage from anything that they have done, and should also be punished in this as being men who do not dread what they are justly bound to fear.

## LAW IX.

### What Benefits Result to the People When They Fear God.

When people fear God they will derive many benefits from doing so; for, in the first place, it will speedily cause them to lose all fear of the devil, and will give them courage to endure the dangers and hardships of this world. Tobias said in regard to this: "Those who fear God will receive many benefits, for, by doing so, they will especially avoid committing sin." And King Solomon said: "Whoever fears God will be prosperous and blest at his death." He also said: "Fortunate is that man who is fearful of God, but he who has his heart hardened will experience evil." And he said, in another place, that those who are fortunate have the fear of God bestowed upon them as a gift, because it withdraws man from sin, and renders him just. On this subject St. Gregory said that if the heart of a sinful man is not first cleansed of sin, he cannot afterwards avoid returning to those sins which he has been accustomed to commit. For this reason King Solomon said: "Those who fear God adorn their hearts, and their souls will be holy in his presence." St. Augustine said, that the fear of God was the medicine of the soul. Malachi, the prophet, said,

that the sun of justice will rise above those who fear God. Moreover, the fear of God makes man rich, and, for this reason, the prophet declared that those who fear God suffer neither illness nor poverty, nor is any advantage lacking to them. Fear also makes man strong, and therefore the same prophet said elsewhere that the fear of the Lord imparts the confidence of valor whenever it is necessary, for he who fears God is compelled to obey him. King Solomon also said: "Whoever fears God will seek how to please him;" and he said also, in another place: "Whoever fears God will keep his commandments." And with this agrees what the angels said to Abraham, when he was about to sacrifice his son: "Now it is evident that thou fearest God, since thou dost obey him." Moreover, St. Gregory said that the heart of man is the clearer and better, the more he fears God. And the principal benefit of all those which persons enjoy who fear God, is that which directs them uprightly in the path of virtue in this world; regulates their affairs to advantage; frees them from all evil; and, after death, gives them paradise, and delivers them from eternal punishment.

Wherefore, the people who believe in God, and have faith and hope in Him, and who love and fear Him, as stated in the preceding laws, will receive all benefits in this world and in the next and God will be their Lord and they will be his people, as the prophet David said: "Happy is that people whose God is the Lord, for this is that people whom he selected for his inheritance." The opposite of all this will befall those who do not act in this manner.

## **TITLE XIII.**

### **How the People Should Act in Knowing, Honoring, and Protecting the King.**

Aristotle and the other wise men called the second spirit of which they made a comparison to the king, feeling, for by this they explained in what way the people should act towards him, and they declared that as there are ten senses in that spirit, according to this, the people should live and with regard to the king, should do ten things, in order that he may be loved, honored, and perfectly protected by them. Wherefore, since in the preceding Title we stated what the people should be in their knowledge, love, and fear of God, we intend to say here what they should be to the king, in relation to the above mentioned matters, as they were classified for the purpose of comparison.

#### **LAW I.**

### **The People Should Always Earnestly Desire the Welfare of the King, and not His Misfortune.**

Seeing is the first of the five exterior senses of which Aristotle and other wise men made a comparison with the people. For as when the sight is healthy and clear it perceives things at a distance, and distinguishes their forms and colors; so, in this way, the people should see and know that the name of king comes from God, and that he occupies his place on earth to dispense justice, law, and mercy. Moreover, as he is their temporal lord and they are his vassals, and as it is his duty to advise and command them, and it is their duty to serve and obey him, therefore they should take a comprehensive view of the matters which concern his profit, honor, and protection, and be very diligent in combining them, and in promoting their growth; and in averting and removing, as far as they can do so, whatever tends to his injury. The first thing that they should most eagerly desire and cherish is his life, for in this all other things are included. Wherefore, a loyal people ought not to desire his death, or wish to see it happen under any circumstances, for those who do so openly show themselves to be his enemies, which is something a people should especially avoid. For, according to an ancient fuero of Spain, every one who desires the death of his lord the king, and who says so publicly, if it is proved against him, should be put to death as a traitor, and lose all his possessions for that reason; and, if his life is spared, the greatest mercy that can be shown him, is to put out his eyes, so that he can never see with them what he wishes would take place.

#### **LAW II.**

### **The People Should Always Desire to Hear Good, and Not Evil, Spoken of the King.**

Hearing is the second sense that the perceptive spirit possesses, which is mentioned in the third law before this, and it God placed especially in the ears. For, as the auditory sense, when it is healthy and unobstructed, hears sounds and voices at a distance, and is pleased with those that are joyful and agreeable, and dislikes such as are loud and terrifying; on the other hand, in the same manner, the people should praise, and desire to hear good spoken of the king, and endeavor by all means to add to it. They should also hate to hear any evil spoken of him, and it should grieve them when they do hear

it, and they should censure it greatly, and prohibit others from uttering it, by using every effort to show that it does not please them; nor should they desire to hear anything from which injury, death, or dishonor may result to the king, for this is one of the greatest evidences of perfidy that can be found. And as those who are eager to hear this would evidently be pleased to see it: they should for that reason receive such punishment in their persons and property, as we have stated in the preceding law should be inflicted upon others.

### LAW III.

**The People Should Discern the Welfare of the King at a Distance, in Order to Procure It, as Well as His Misfortunes, in Order to Avert Them.**

Smell is the third sense which the perceptive spirit possesses, and this God placed especially in man's nostrils. For, as by this sense, when it is perfectly normal, man perceives odors at a distance, and distinguishes the good from the bad; so, in like manner, the people, when they are sound in loyalty, should discern matters at a distance from which benefit and honor may result to the king, and be greatly pleased with them, and obtain them as far as they can, and endeavor, themselves, to produce them; and they should, on the other hand, manifest their abhorrence for such acts as may result in his injury and his dishonor, by averting them, and removing them, as far as they can, nor should they perform acts under any circumstances whatever. Persons who take pleasure in the injury or dishonor of the king their lord, commit open treachery, and should be punished according to the nature of the wrong which they could have prevented, but did not desire to.

### LAW IV.

**The People Should Be Pleased With the Good Reputation of Their King, and Be Grieved When His Reputation Is Bad.**

Taste is the fourth sense of the perceptive spirit, and this God placed in the mouth, and especially in the tongue. For as taste distinguishes sweet things from those that are bitter, is gratified with such as are savory, and detests others, and as the tongue is the experimenter, and the intermediary between all these things; the people should likewise be well acquainted with the good reputation of their lord, and speak of it with their tongues, and cherish it: and words which are spoken to defame him, should not be uttered by them, or preserved in any way, and they should be seldom repeated or remembered. For a people who defame their king, by speaking ill of him, so that he may lose his glory and renown and that men may dislike and abhor him, are as guilty of open treason, as if they had put him to death. For, as the wise men who made the ancient laws declared, there are two offenses which are equally serious, to kill a man, or to accuse him of infamy, because after a man has been rendered infamous, although he may not be guilty, he is, as it were, dead to the good and honor of this world; and, in addition to this, his defamation may be so great that he would be better dead than alive. Wherefore, those who act in this manner should be punished in person and property, just as if they had killed the king. If, however, he desires to show them such great mercy as to grant them their lives, he should cut out the tongues with which they committed the offense, so that they can never again make use of them to speak.

**LAW V.****The People Should Always Speak Truth to the King, and Avoid Telling Him Falsehoods.**

God not only gave a man his tongue for the purpose of taste, but also for speech, and to display his reasoning power by its means. And, just as he bestowed upon him the sense of taste, in order that he might distinguish things which are palatable from others which are not so; in like manner he gave him taste in words, to enable him to make a distinction between falsehood which is bitter, and which nature, when normal and loyal, detests, and truth, with which the understanding of a good man is delighted, and derives great pleasure from. For this reason, the people in like manner, as wise men have said, should always speak true words to the king, and avoid lying to him openly, or uttering flattery, which is a lie knowingly invented; and he who intentionally tells the king a falsehood in order to have him arrest some one, or do him bodily harm, as, for instance, that of death, or of some injury, should himself undergo the same penalty, which he caused to be inflicted upon the other by the falsehood which he told; and we decree that this shall also apply where he causes him to lose any of his property, either chattels or realty. And where he utters words which kings understand to be flattery, he should not allow him to accompany him, and he should do this for two reasons; first, in order that the flatterer may not be tolerated by him, because he may become more wicked; and second, lest the king, unfortunately, may believe the flattery which he utters, and pretend not to understand it, while being influenced by it.

**LAW VI.****The People Should Pay Attention to Such Things as Concern the Service and Honor of the King, and Not to Those From Which Spring Death, Wounds, or Dishonor.**

Touch is the fifth sense of the perceptive spirit, and, although it is distributed all over the body, it is especially developed in the hands and feet, and as touch distinguishes things which are rough from those which are smooth, the soft from the hard, and the cold from the hot; the people should, likewise, walk with their feet, and labor with their hands in all things, which may be grateful and profitable to their king, and collect them for him in every way in which they can do so. They should also break and destroy whatever is rough, hard, and injurious, so that he may not be harmed by it, and, above everything in the world, the people should avoid touching him, for the purpose of killing, wounding, or imprisoning him. For those who endeavor to compass his death, will oppose the acts of God, and his commandment, for they would kill him whom God appointed in his place on earth, and he forbade anyone laying hands upon such persons, in order to do them harm. Moreover, they would act contrary to the interests of the kingdom, for they would remove the head which God gave them, and the life by means of which they live together; and they would besides give a bad reputation to the kingdom forever. They would also act against their own interests, by killing their lord whom they should protect above everything in the world, and they and all their line be reviled as traitors forever. Wherefore, all those who do act in this way, or attempt to do so, are guilty of the greatest treason that can be committed, and, for this reason, should be put to death in the most cruel and degrading manner that can be imagined; should lose all their property,

movable and immovable, which should be forfeited to the king; and their houses and cultivated lands should be overthrown and destroyed, so that they may remain as a sign of their punishment forever.

We moreover decree, that all those who give advice in a matter of this kind, or who render assistance, power, or protection, to those who commit it, are traitors and should be put to death, and suffer the penalty aforesaid; and anyone who learns of such a deed by any means whatever, and does not reveal it, even though the act should not have been accomplished, is a traitor and should be executed and lose all his property. We also decree that anyone who wounds the king with a weapon, even though he should not die, deserves to be put to death and lose all his property, which should be forfeited to the king; his houses, however, should not be destroyed, or his lands laid waste, as we have stated above; and he should undergo a similar penalty for the reason that it appears that since he wounded him, he would kill him if he could do so. We decree that the same rule shall apply where he wounds him with anything except a weapon: but where he imprisons him, he should undergo the same penalty as if he had killed him, for, as by death he takes from him the name of the kingdom, and deprives it of him; on the other hand, by imprisonment he dishonorably strips him of his power; and we decree, that all those who contribute advice, assistance, or force to those guilty of any of the above named offences against the king, shall undergo the same penalty.

#### LAW VII.

##### **The People Should Serve the King Well, and Avoid Doing the Contrary.**

In the preceding laws we mentioned, the five senses which the perceptive spirit possesses, and by which it acts externally, and how wise men compared these to the people, with regard to such matters as they are bound to observe concerning the king, in order that he may be honored, loved, and perfectly guarded by them; now, however, we intend to speak of the other five which are within, and are not apparent. The first is called common sense, to which all the others conduct that which they experience as, for instance, the sight what it sees, the hearing what it hears, and also each one of the others, and common sense, as chief, determines what each thing is, what it is like, and what is its color. And, the people should act in like manner, towards the king, by giving him advice and serving him in those matters in which he has need of them, each one according to his intelligence and the position he occupies, and he should recognize and reward them according to their work and their deserts. Wherefore, those that knowingly give him bad advice, so as to understand one thing for another, as, for instance, rendering something difficult that is easy to accomplish, on which accounts he is obliged to incur great expense and make great preparations; and by representing what is grave to be trifling, commit a serious offence, and should suffer a severe penalty. For in case a man of honorable rank should do this, he should be banished from his country, and lose his property; and where he is of inferior station he should be put to death. We also declare that those who are not grateful to the king, or do not serve him for what he has done for them, manifestly commit so great a wrong that, on account of their ingratitude, they should lose his love, and, because they did not serve him, should forfeit what he has given them.

**LAW VIII.****The People Should Exert Themselves in Such Matters as Concern the King Quietly and Intelligently, and Not Suddenly, Through Caprice.**

Fancy is the second of the internal senses by which the perceptive spirit acts, and means a longing after something unreasonable. For this virtue judges matters abruptly, and as it should not do, not forming an opinion of the future by consideration of the past. Wherefore the people, in like manner, ought not to act suddenly, or in obedience to caprice, in matters which concern the king, but calmly, with intelligence and reason; and this means that they should not believe anything evil which men tell them in order to make mischief, by which they may influence them not to love the king as they ought; nor, on the other hand, should they understand that those things which the king does for his advantage and his benefit, are done for his injury, or with evil design, for this they should especially avoid. For, as those who are subject to fancy in every way must eventually become insane; so those who give rise to such prejudice against their lords become destitute of loyalty, and are forced to do things through which they become guilty of treason and perfidy. Wherefore those who believe such speeches concerning the king, and put them into practice, should be punished in proportion to the gravity of the act which resulted from their exertions. And if they did not exert themselves in any way, merely for the reason that they were willing to hear and believe these speeches they should be banished from the kingdom for such a time as the king deems proper. And, in addition to this, the wise men instituted another comparison with caprice which the people should especially avoid. And this is, when anyone, not knowing himself, asks the king for something that he does not deserve on account of any service which he has performed, or for any other just reason; earnestly beseeching him to bestow it upon him, or representing the matter falsely, in a contrary manner, by inducing the king to believe that what is of great importance is trifling, or that he could give to him, or to someone else, what justly belongs to another: therefore the king should not trust in those who act in this way.

When they are persons in whom he confides, and he gives them, or someone else, by their advice, what they ask for, they should, by way of penalty, lose what he gave them, as well as an equal amount of their own property, and it should be returned to its former owner; and where any such person has not sufficient property to do this, if he is a man of honorable rank, he should be banished from the country, and where anyone else is guilty of such an offence, he should be put in prison for as long a time as the king deems proper. The penalty of not being allowed to remain in the country is imposed upon them in order that they may not enjoy what they tried to obtain by fraud and where they are permitted to remain there, this is done that they may suffer affliction instead of the pleasure which they expected to have.

**LAW IX.**

**The People Should Take Into Consideration and Know Those Things Which Are for the Advantage of the King, in Order to Be Able to Do Them; as Well as Those Which Work to His Injury, That They May Avert and Remove Them.**

The third sense of the perceptive spirit is called imagination, and this has greater power than fancy, concerning which we spoke in the preceding law, because it operates by causing the mind to portray matters which relate to the past and the present as well as those which concern the future. The



people also, should in the same way, pay careful attention to the acts and affairs of the king, considering both those which are past and present, so that by means of them they may understand how they should conduct themselves with regard to those which are to come. Whatever they think to be for his advantage, they should procure it, and arrange matters so that it may be accomplished; and whatever they know has resulted, or does result, to his misfortune or injury, they should ward it off, and take measures so that it may not occur. For those who were aware of any misfortune or injury which may happen to their lord and do not avert it, commit open treason, for which they should be punished in their persons and property, according to the gravity of the evil which they could have averted but did not desire to.

For the reason that this faculty of imagination calls up things which do not, and cannot happen, the wise men declared that, in like manner, the people should be careful not to involve the king in matters which cannot take place in order not to compel him to spend his money in vain, or waste his time; for those who knowingly do so, are guilty of open perfidy, as they, thereby, cause injury to, and contempt of, their lord. For any injury resulting in this way, if they are men of honorable rank, they should pay double the amount: and, on account of the contempt which they have caused, they should be driven with scorn from the country; and where they do not have the means to pay, they should forfeit all their property. If they are men of inferior rank, they should lose their lives for this reason.

#### LAW X.

**The People Should Diligently Consider the Things Which Contribute to the Life and the Health of the King, and Do and Secure Them; and Those Which Are of an Opposite Character, They Should Not Carry Into Execution, and Should Prevent Others From Doing So.**

The fourth sense is called comparative virtue, for the reason that it compares and distinguishes things naturally by the sight, determining which are beneficial and profitable, and which are unfavorable and injurious: and in comparison with this the wise men said that the people should carefully consider and learn what things are favorable and beneficial to the king, by means of which he can live and remain healthy, and that they should secure them and carry them out, in every way possible. Others, which are of an opposite character, and by means of which he may suffer death or disease, they should not do, or permit anyone else to do: for such as knowingly act in this manner, and do not prevent these injurious things as far as they can, are guilty of open treachery, and should lose their lives and all their property.

#### LAW XI.

**The People Should Always Hold the Sovereignty of the King in Remembrance, in Order to Serve Him, and Obey His Commands.**

Remembrance is the fifth virtue which the perceptive spirit possesses, and it is given this name for the reason that it is the depository and keeper of all the other senses, both internal and external; controls each one, and causes it to remember those things which have passed, until such time as it will have need of them. Wherefore, in like manner, the people should always retain in their memory and recollection, the sovereignty and natural jurisdiction the king has over them as well as the benefits which they have received from him, and, on this account, they should be grateful to him, and render him service. In addition to this, they should always remember his commands

and the agreements which they entered into to keep them, and observe them in every way. For which reason those who are not willing to remember the sovereignty of the king, in order to acknowledge it and loyally maintain it, should undergo the same punishment which we mentioned above as applying to such as imprison him; for those who are not willing to acknowledge the duty which they should do, in their minds, hold the king as a prisoner and deprived of his power. Moreover, those who are unwilling to obey him in order to observe their agreements and his commands, should be punished in a manner proportionate to the matter in which they were guilty of disobedience.

### **LAW XII.**

#### **How the Saints Agreed With the Ancient Sages That the People Are Required to Do the Five Things Concerning the King, Which Are Mentioned in This Law.**

Wise men, as we have stated in other laws, advanced considerations based upon nature, by which they made comparisons with the duties which the people are bound to discharge to the king. Now we desire to state in what way the saints or Our Lord Jesus Christ agreed with them in this respect; for they showed that, according to justice, the people should, especially, do five things for the king. First, know him; second, love him; third, fear him; fourth, honor him; and fifth, protect him; for since they know him, they must love him; and loving him, must fear him; and fearing him, must honor him; and honoring him, must protect him. Wherefore, we shall state how each one of these things should be done, as was explained by the saints, and, in the first place, we shall speak of knowledge.

### **LAW XIII.**

#### **In Like Manner to the Knowledge of Things Which Is Obtained Through Their Nature and Operation, so the People Should Know Their King.**

Knowledge of things, as Aristotle and the other wise men said, is of two kinds. First, by considering their nature, and becoming familiar with it, by itself; second, by knowing it through the effects which it produces. For which reason they declared that the people should know the king, in the first place individually, since he is their temporal lord; and also as he has been chosen by God, and, in His name, occupies his position on earth; and they should also know him on account of the relation he sustains with regard to them, which is another obligation due to sovereignty. They should also know him on account of his acts, as he is appointed to maintain them in justice and in truth, and to give to everyone his rights according as he deserves, as well as to protect them, so that they may not suffer injury or violence; and where they know him in this way, they cannot fail to know him properly. Speaking on this subject, the Apostle St. Paul said to the people, and besought them, that they should know their kings, who were their lords, and exerted themselves in their behalf by punishing them. Moreover, those who are unwilling to know the king in this way, are guilty of an offense against God who commanded them to do so, as well as against the king himself whom they are obliged to acknowledge; and, in addition to the punishment they will receive in the next world, they should be, absolutely, disowned by the king, and receive such punishment in this world, as we have stated in the third law preceding this one.

**LAW XIV.****For What Reasons the People Should Love the King.**

In those places where the ancient sages described what love was, they showed that it was divided into two kinds; first, where something weak, second, where something strong was its object. It is weak when it enters the minds of men, through caprice as by evincing an affection for something which they have never seen, which they have no hope to obtain, and from which they can derive neither benefit nor advantage. When it concerns something substantial, it is the love which arises from the obligation of lineage, or that of nature, or derived from some good act which has been performed or which they hope will be performed by some beloved object: and affection of this kind is just and good, because it relates to reasonable matters. Concerning this love they declared, that it was such that the people should entertain toward the king, and not such as was governed by caprice; and to manifest this perfectly three things must be considered; first, they must love his soul; second, his body; third, his deeds. They should love his soul by advising and assisting him, that he may always act in such a way as not to lose his soul, forfeit the love of God, or fall into the power of the devil. And, as for his body, he should do those things by means of which he may become of more worth, and through which he may obtain glory and fame. They should, moreover, desire him to perform such deeds as may redound to the honor and profit of himself and his people.

Speaking on this subject, King Solomon said to the people, by way of advice: "Love God with all your hearts, and do not forget the kings who occupy his place on earth." He uttered this speech to encourage them to act in this manner, because a man cannot love God sincerely if he does not love his king.

The Apostle preached this same doctrine to the people, declaring that they should love their kings with all their hearts, for they were appointed to punish them, and give them counsel. Wherefore, those who do not act in this way do not love God or their natural lord with sincerity; and, in addition to the vengeance God will take upon them in the next world, the king should not love them in this, but ought to inflict upon them a penalty in proportion to the animosity which they evinced toward him.

**LAW XV.****How the People Should Fear the King, and What Difference There Is Between Fear and Dread.**

The ancient sages proved by sound arguments that fear is something which is connected with true love, for no man can love if he does not fear. And, although fear and dread are naturally one and the same thing, nevertheless, according to reason, there is a distinction between them; for fear proceeds from love, and dread arises from apprehension of force, and, as it were, want of protection. The fear which proceeds from friendship, resembles that which a son entertains towards his father: for although he may not strike him, or do him any harm, he always entertains a natural fear of him on account of his descent from him, as well as the authority he has over him according to law, for the reason that he is his progeny; and also in order not to lose any benefits which he enjoys, or hopes to receive from him. From fear of this kind two things arise, namely shame and obedience; which are very proper for a people to entertain towards the king, for they should always be ashamed to do or say anything in his presence which is injurious, or of which he may disap-

prove. They should also obey him as their lord in everything, for, in ancient times, Our Lord God commanded this, when he gave Saul to the people of Israel as king, and said: "The king will be above you, and be ye loyal and obedient, and he will assist you and be your protector." Moreover, the Apostle St. Peter said to the people, while preaching, that they should be under the command of, and render obedience to their king, with all fear; and he also said that this did not only apply to the good, but also to those who were not so. The Apostle Paul said the same thing, that is, that every man should be obedient to kings, because they are appointed by the hand of God, and whatever power they possess they derive from Him; and whoever wishes to oppose them, acts against the commandment of God, and gains for himself the loss of his soul forever. Other saints agreed with these, and stated that those love and fear God who love and fear kings that occupy their places on earth.

The other fear or dread, which comes from fright and force, is that which slaves entertain towards their masters, fearing that, on account of the servitude to which they are subject, their masters will do everything against them which they are authorized to do according to law. Hence, for these two reasons, the people should fear the king as children do their parents, on account of the position they stand in naturally towards him, and the sovereignty he possesses over them; and in order not to forfeit his love, or the benefits which he confers upon them, or which they hope to receive from him.

They should also fear him as vassals do their lord, being afraid of committing some fault on account of which they may lose his love and be liable to punishment, which resembles servitude. For as wise men stated, there is no distinction between him who is a prisoner in chains, and in power of his enemies, and him who is the slave of his own will, so that he is obliged to do something on account of which he will deserve punishment. For, undoubtedly, he who commits an offence subjects himself to the slavery of the penalty which he deserves to undergo on account of it. And with this agrees what the Apostle St. John said, namely, that whoever commits sin is its slave. Moreover, those who do not fear the king, in the two ways mentioned in this law, must be considered not to know him, or love him; and, in addition to the vengeance which God will take upon them in the next world, they will necessarily be compelled to do something in this for which the king should punish them, according to the offence which they were bold enough to commit.

## LAW XVI.

### **The People Should Have Reverence for, and Obey the King.**

Shame, as wise men stated, is an indication of the fear which proceeds from true love. It gives rise to two things which are greatly becoming to the people in their treatment of the king; first, it removes insolence from men; second, it causes them to yield obedience where they should. For insolence is nothing else but doing or saying what should not be done or said, and this in an unsuitable place. From this arise many evils, for, after men lose their sense of shame, and become insolent, they necessarily must begin a career of disobedience to him whom they ought to obey, and be devoid of regret in matters of which they should be ashamed. Obedience is something productive of much good, for it causes them to obey their lords in everything, as loyal vassals should do, and also as children should obey their father, when they truly love and fear him. Wherefore, the people should not be insolent, and therefore lose their sense of shame in their relations to their king, but they should be obedient to him in everything which he commands; as, for instance,

come to his Court or his Council, in answer to the summons of his messengers; or join his army; or account to him for property; or render justice to those who have some complaint against them; for these are the principal things for which vassals should come, in obedience to the commands of their lord.

They should also yield to the same obedience by going wherever he sends them, as, for instance, on a mission, or to the army, or to war, or to any other place where he despatches them. In addition to this, they should manifest obedience by remaining where he stations them; as, for instance, on the frontier, or in any fortification, or in the defenses of any city or castle, or anywhere else that the king judges they will most contribute to his services. Hence, in order that the people may respect and obey their king, as stated in this law, they must, themselves, make it evident that they know, love, and truly fear him, in order that they may deserve to be greatly loved and honored by him.

Those who knowingly act in a contrary manner should be punished for their insolence, in proportion to the gravity of the act which they have committed; and, on account of their disobedience, if they are men of rank, they should forfeit whatever they have received from the king, and be banished from the kingdom. And if the king should lose anything, by reason of such conduct, it should be restored to him from their property, until he receives compensation for the damage which he sustained; and where they are men who do not hold any lands of him, but are bound to render him service on account of the sovereignty which he exercises over them, they should forfeit their possessions and be banished from the kingdom.

## LAW XVII.

### How the People Should Honor the King in Word.

Honor means an advanced station and the praise which a man obtains from the position he occupies, or for some eminent deed which he performs, or by reason of some excellence which he possesses. And such as God wishes should possess it perfectly, attain to the highest distinction which they can reach in this world, and which they will always enjoy dead, as well as living. This is the case where they gain it justly and with reason, rising from one rank to another, as from one promotion to a greater one, strengthening and establishing themselves in each, men being of the opinion that they deserve it, and have a right to it. Therefore honor of this kind is greatly becoming to the people, that they may particularly manifest it towards their king: and this is the case for many reasons, as we stated above. First, on account of the knowledge which they should have of the king; second, on account of the love they should bear him; third, on account of the fear with which they should regard him; and also because they are required to respect and obey him, and by doing this they honor him perfectly. By honoring the king they honor themselves and the country in which they live, and display their loyalty openly, for which reason they should receive benefits and honors from the king, concerning which wise men said: "We will honor those who can honor us." And this agrees with what the Apostle St. Peter said: "Fear God and honor your king." This honor which we have mentioned should, however, be manifested in two ways; first, in word, second, in deed. To honor him in word care should be taken not to speak any words in his presence but such as true, courteous, profitable, and humble: and to omit such as are false, idle, injurious, and haughty; for good words increase the honor of the king, and others diminish it, so that the people ought to take great pains not to utter

them. Wherefore those who knowingly utter words by which the king may receive dishonor or degradation commit treason, as a man can in no way dishonor his lord, either in word or deed, without being, for that reason, a traitor; and those who do this should be punished according to the words which they have spoken.

### LAW XVIII.

#### How the People Should Honor the King in Deed.

The king should be honored by the people not only in word, as we have stated in the preceding law, but also in deed. And although the honor which is derived from speech is great, that which is derived from works is much greater; and one is not complete without the other. For which reason it is necessary that the deed agree with the word, for where this is not so it will happen as Our Lord declared by Isaiah the prophet: "This people honor me with their mouths, but their hearts are far from me." Wherefore the people should honor the king in deed, as Aristotle says, in whatever way they address him, whether sitting, standing, walking, or lying down: while sitting so as not to show themselves equal to him; or turn their backs to him; or whisper to him in his ear while they are standing, and he seated. Moreover, while the king is standing, they should honor him, not manifesting a desire to equal themselves to him, or to sit in a higher place than he occupies in order to communicate their business to him; but they should select a low place, and kneel down humbly before him.

They also deemed it proper that those who were seated should rise when he came in, and when he was at his devotions that they should not stop and stand between him and the place towards which he prays, except those only whose duty it is to conduct the service. They should also honor him while he is walking or riding; for no one should go in front of, and near him, or place himself on an equality with him, unless he calls him; or throw his leg over the neck of the animal which he is riding, while near him; and when he dismounts those whom he calls to and desires to do so should dismount with him. And no one should mount an animal of his, except when he is ordered to do so, or it is given him for that purpose. The wise men said, moreover, that the king should be honored even when reclining for no one should lie down on his bed, or sit in his seat when he is not there, or venture to rise up, or pass over him while he is lying down. In matters of this kind and others like them, the wise men declared that the people should honor the king and esteem him highly. This they said by explaining that precious things are more valued, than those which are cheap, or vile and despicable. With this agrees what the Apostle St. Paul said to the Apostles: "If we are obliged to honor one another, how much more should we honor kings who are our lords." Hence, on account of the reasons, aforesaid, they commanded that not only the people should honor the king wherever they found him, but also the statues made in his likeness or his image. Wherefore they decreed in those times that whoever fled for refuge to any such statues, on account of any offence which he had committed, should not be arrested or injured, except by order of the king; and they did this because the likeness of the king, as, for instance, his seal where his form is represented, and also the device which he bears upon his arms, and his money, and his letters on which his name is traced, should all be greatly honored, because they bring him to mind wherever he does not happen to be.

Therefore, whoever does not honor the king in all the things mentioned in this law, will act as if he did not know, or love, or fear him, or in any way respect him, or obey him, or have any desire to honor him; and whoever,

knowingly, is guilty of such an act, commits manifest treachery, and should be punished just as if he had dishonored the person of the king; and where a man of rank acts in this way he should be banished forever from the country and forfeit what he has received from the king; and if he is a man of inferior condition he should lose his life in this account.

### LAW XIX.

#### How the People Should Show Honor to the King After He Is Dead.

All things, although they may have a good beginning and a good continuation, if they have not a good end, are not good in every respect. This is the case because the end is the climax of all that has passed; and for this reason the wise men stated that all praise at the end should be chanted, for that is perfectly good in itself which has a good termination. Wherefore, it is greatly becoming to the people that, as they are required to honor their king in his lifetime, they should, in like manner, do so at his death, for that is the culmination of all the honor which they can show him. And by doing this they manifest still greater loyalty than in honoring while he lives, since they do so at such a time that thenceforth they do not expect to have any favor, or receive any reward from him either in word or deed; nor, on the other hand, can they be subject to any compulsion or violence; and they also let it be known that they have not forgotten the kindness which he showed them, or the benefits which they received from him. For which reason eminent men should, as soon as they learn of his death, go to the place where his body lies, as, for instance, the prelates and other noblemen, the masters of military orders, as well as all the other good men of the cities and large towns of his dominions, in order to honor him at his burial. And those should not avoid going who cannot leave at once, but they should start within forty days at least except where some of them labor under some impediment by reason of which they cannot go at all.

These forty days the ancients derived from the number four, for four times ten are forty; and they established them in comparison with the four ages, and the four seasons of the year through which man passes during his entire life, and does all things which he is required to do, those which concern his soul as well as his body. They made this regulation on account of four things which should be done in honor of the dead king at this time rather than at any other. First, to mourn him as their lord, calling him to mind as one removed, and whom they will never see again in this world. Second, to confirm his dignity, by at once accepting as their king him who should rightfully inherit the kingdom, and who comes of his lineage. Third, to assist him as vassals, friends, and loyal subjects, to liberate his soul by giving alms and by praying for him, and also by aiding those in whose hands he left the payment of his debts and the redressing of any wrongs, if he had committed them; for, as they are obliged to protect the body of their king, while he is living, from any injury caused by earthly enemies, and to defend him from them; so, on the other hand, they are bound to protect his soul, as far as they can, from infernal enemies, with the weapons of prayer and of alms, by means of which he may obtain the love of God and the honor of Paradise. Fourth, in order to arrange and compose the affairs of the kingdom with the new king; so that no revolution or obstacle may arise by reason of the king's death. On this account they established this period of time in order that such as could not go at once might go by consent within the said term for the purpose of performing the duties which we have mentioned. And in this manner the people should honor their king after his death, and those who knowingly act

in a contrary manner will be guilty of manifest treachery; therefore the new king should not hesitate to deprive them of what they have received from him, and banish them from the country forever. Not only should they honor the body of the dead king, but also the district and the town in which his body lies; so that anyone who is guilty of violence, except in the execution of a judicial sentence, should be punished according to the nature of his act, and this without regard to any privileges which kings may have conferred on that locality.

#### **LAW XX.**

##### **How the People Should Honor the New King When He Ascends the Throne.**

The dead king having been buried, all eminent men, as we have mentioned in the preceding law, should repair to the new sovereign in order to show honor to his dignity in two ways; one in word, the other in deed. They do this in word, by acknowledging that they accept him as their lord; by admitting that they are his vassals; by promising that they will obey him, and be loyal and true to him in everything; and that, by every means in their power, they will contribute to his honor and his success, and will avert from him all evil and all injury. They manifest this in deed, by kissing his foot and hand, in recognition of sovereignty, and by showing their humility in other ways according to the custom of the country, and by, at once, surrendering their offices and the lands held by virtue of them, and all other things which they received from the deceased king, such as store-houses, wine-cellar, flocks, and other property, and all revenues of every kind whatsoever. Those who do not do this will commit open treachery, on account of which, where they are men of distinction, they should forfeit their offices and their honors, and be banished from the kingdom; and if they have appropriated anything during their term of office they should pay double the amount. Where they are men of inferior rank they should be put to death and surrender to the king from their own property double the amount which they have appropriated during that time; but, in case they cannot be found, they must lose all their possessions, but they should not afterwards be executed, as their property was confiscated by way of punishment.

#### **LAW XXI.**

##### **How Towns, Castles, and Other Fortresses Should Be Delivered Up to the New King, and How Those Upon Whom He Bestows Them, to Be Held of Him, Should Do Homage.**

Towns, castles, and other fortresses not only those which have been received by the doorkeepers, but all others as well, should be placed in the hands of the new king. The persons upon whom the king desires to bestow them should do homage for them, at the time that they are granted, for peace or war, and this each should do who petitions for them: and homage of this kind should be rendered as soon as the new king begins to reign. This ceremony had such great force, according to the ancient custom of Spain, that, where it is once performed, it affects all those who hold these castles during the life of that king, even though he should afterwards change them for others. Those who hold fortresses of this kind should not delay to surrender them, or proceed at once to deliver them to the new king, as soon as they learn that the other is dead; except where such impediments exist that they are absolutely unable to comply with this. The fact that such an impediment exists must be positively established, however; and as soon as it has been removed, such persons are bound to go and comply with their obligations, and those



who do not do so and knowingly and maliciously procrastinate, are guilty of open treason, and deserve to lose their lives on that account, and should be stripped of all their possessions, as being persons who desired to deprive the king of his rights.

#### **LAW XXII.**

##### **How Those Who Have Received Castles Bestowed Upon Them by Other Kings, Should Render Homage to the New King for Them.**

As soon as the new king begins to reign, or, at least, within thirty days afterwards, all those who hold castles in his dominions through the grants of other kings, should go to him and render homage for the same. If, however, anything should occur to prevent them, on account of which they cannot go within the above-named period, they should be allowed nine days more, and afterwards one day longer, making in all forty days. The homage which they must render for these castles should be that they will make war and peace by command of the king; that they will receive him in them when he desires to come, and that his money will be current there, and also that they will render him service, even though he may employ it in other parts of the country. Wherefore those who, actuated by malice, refuse to render homage so as to fulfil their duty to the king for these castles, as aforesaid, can be at once deprived of them by him, if he so desires, and never have them restored afterwards: and they should suffer this same punishment if they deprive any of the inhabitants of those localities of their rights, except where some portion of the fueros, which formerly existed, are changed with the pleasure and permission of the king. We declare the case to be similar where they are unwilling to submit to his decision and deny his sovereignty, and when they come and are not willing to remain until he renders judgment for this reason: or do not raise an army when they should; or are unwilling to collect his money, and give it to him when others in the country contribute it; or impede the course of justice in those localities, not dispensing it themselves, nor consenting that he should do so; or shelter malefactors; or do not observe the contracts which they have entered into; for every one who knowingly offends in any of these matters which relate to the sovereignty of the kingdom, and is not willing to make amends for his conduct, as the king deems proper, shall be deprived of the position which he holds, and neither he, nor any member of his family can ever recover it; but he must always remain in the kingdom of him whom he desired to deprive of his sovereignty, by refusing to acknowledge his rights.

#### **LAW XXIII.**

##### **How Homage Should Be Rendered to the New King for Castles Situated in His Dominions, Although They May Have Been Obtained From Some Other Source.**

Any men who have obtained castles from some other source than by the grant of kings, as mentioned in the preceding law, solely by reason of the fact that they are situated in the dominions of the new king, should go and render homage to him as soon as he ascends the throne, in order thoroughly to carry into effect all the matters mentioned in the preceding law; except where an agreement exists between the parties, whereby some of them may be dispensed with. This homage should be rendered as soon as the new king begins to reign. Such, however, as are hindered so that they cannot do this, should be granted a period of forty days, as stated concerning others; and where, when this period has elapsed, they say that they need more time to arrange some

matter connected with this, they are entitled to two terms of thirty days each, so that all, together, amount to a hundred. During this interval they should not be deprived of the castles aforesaid unless by their means they injure the kingdom, or fortify them for the purpose of making war: for then they can be dispossessed of them, just as if they had refused to come and render homage for them, within the above mentioned periods; or had denied the sovereignty which, on account of them, they should have acknowledged; and, after they have been deprived of them for any of these reasons, neither they, nor any others of their lineage, should ever recover them. Where, however, the king desires to show them favor, he can bestow upon them other castles of equal value in exchange for these, but if he should wish absolutely to restore to them those same places which he deprived them of, he has no authority to do so, unless they previously refund to him all the expenses which were incurred when the said places were taken from them.

#### **LAW XXIV.**

##### **How Homage Should Be Rendered for Castles Which Certain Persons Hold Under Contract, or by Way of Fief.**

Where persons hold fortresses or castles under contract, or by way of fief, they all should repair to the new king and render homage that they will perform all the conditions, in accordance with the agreements and contracts entered into by whose provisions they are required to do this; and they should be allowed the same period within which to render homage, as we have stated above with regard to those who hold landed property through the grant of kings; and they should suffer the same punishment if they do not comply with the conditions which they are required to observe by reason of these contracts. The homage which we have mentioned above, both that rendered on account of landed property bestowed by kings, as well as that which men have obtained from other sources and also that held as fiefs, should be renewed every time that a change occurs, on account of the death or life of those who hold them. Others, however, who do not hold of the king either lands, offices, castles, or other real property, in any of the ways mentioned in the preceding law, should, nevertheless, go to honor and acknowledge the sovereignty of the new king. Those who remain away maliciously and are unwilling to do this will commit open treachery, for, according to the ancient fuero of Spain, if they are men of rank, they should be forever banished from the kingdom, and never have the right of admission into that sovereignty which they have denied; and where other men do this, they should be put to death on account of it.

#### **LAW XXV.**

##### **How the People Should Watch Over the King.**

Above all things in the world should the people watch over their king, for vigilance is like the key which locks up and preserves all those things which we have mentioned, knowledge as well as love, fear, and honor. For where a man is familiar with anything, understands that it is good of itself, and appreciates the benefits to be derived from it, it is right that he should cherish it: for if he does not keep it in his memory, by constantly calling it to mind, he will, through forgetfulness, become oblivious of what he knew. Moreover, if he does not watch over what he loves, he makes it known that he does not truly love it, and must lose it through his own fault, so that love is transformed into hate. We also declare that if a man is not on his guard against what he fears, taking care that it may not come upon him, he cannot

avoid receiving, in consequence, the affliction or trouble which he feared to suffer from it. It also happens with regard to honor that he who does not protect it as he should, will necessarily lose it, and fall into dishonor. For which reason since watchfulness is like the key and the locking up of all these things which we have mentioned, we desire to show, as the ancient wise men and the saints explained, in what way the people should act towards their king in this respect. For, as they stated, it does not require less intelligence for a man to know how to keep something which he has obtained, than to know how to acquire it in the beginning: for gain comes sometimes by chance, but the retention of anything must be accomplished by intelligence and skill.

The people ought also greatly to exert themselves to preserve their king: first, for the reason that they have obtained him spiritually by the gift of God; and second, because they have obtained him in a natural way, by reason and by law. This care which should be taken is of three kinds; first, that which concerns him personally; second, that which relates to themselves; third, that which refers to strangers. The care which should be exercised with regard to himself, is that they should not, knowingly, permit him to do anything by means of which he may lose his soul, or which may result to the injury of his body, or of his family, or be a great loss to the kingdom. This care should be manifested in two ways; first, through counsel, by showing him and by giving him reasons why something should not be done; second, through acts, seeking ways by which they may cause him to detest something, and abandon it so that it may not be accomplished, and also by throwing impediments in the way of those who advise him to do it; for since they know that the fault or the bad conduct which he would be guilty of will appear worse in him than in another person, it is expedient for them to prevent him from committing it. And in protecting him from himself, in the manner which we have mentioned, they must know how to protect both his soul and body, proving that they are good and loyal men, by desiring that their king may be good, and perform his duties properly. Wherefore, those who have the power to protect him in these matters and are unwilling to do so, knowingly permitting him to err, and transacting his affairs in an improper way so that men will be ashamed of him, commit open treason. And if those whom we mentioned above in other laws, who defame their king, are deserving of serious punishment, those do not deserve it less who have the power to protect him from infamy and injury, and do not attempt to do so.

## LAW XXVI.

### How the People are Required to Protect Their Lord.

With great show of reason wise men, in two ways, instituted a comparison with the king in the position he occupies above his people; one, in his resemblance to the head of man, from whence the mental faculty arises; the other in his resemblance to his heart, from whence proceeds the spirit of life. For, as by the faculty of the head all the members are directed, in like manner, all the persons of the kingdom are ordered and guided by the intelligence of the sovereign, and therefore he is called the head of the people. Moreover, as the heart is situated in the middle of the body for the purpose of giving life equally to all of its members; so God placed the king in the middle of the people, to render equality and justice to all together, in order that they may live in peace: and, for this reason, the ancients called him the soul and heart of the people. And, just as all the members of the body protect and defend these two, so, on the other hand, the people are bound to protect

and defend the king, whose position resembles theirs: and also because he is their natural lord; for, although lords are of many kinds, he whose origin is through nature is exalted above all others, in order that men of superior rank may be obliged to protect him.

Therefore it is not fitting for the people to protect the king only from himself, as we have stated in the preceding law, but they are also required to protect him from themselves, so as not to kill him in any way, for he who commits an act of this character will deprive God of his vicar, the kingdom of its head, and the people of their existence; will make his wife a widow, and his children orphans; and will deprive his vassals of their lord; so, for this reason, they classed it as the greatest treason that could be committed. Moreover, they should protect him so that none of them may wound him, because a wound is the means of death, and he who inflicts it does not know what may result from it. For although the king may not die of it, it is possible that it may deprive him of some limb; and even if this does not occur, it is one of the most dishonorable things which can happen. Hence, for all these reasons, as well as for others which we have mentioned above, those who wound the king are guilty of a very serious act of treason.

They should, moreover, protect him from being imprisoned, because this is productive of two very bad results; namely, first, loss of power; second, degradation; and therefore those who imprison him are guilty of high treason. They should also protect him from being insulted, or from being stopped in the field for the purpose of fighting, for this would be open treason, and those who committed it would not do so were it not in the hope of killing, wounding, or seizing him, or driving him dishonorably from the field. We decree that this also applies to those who ride tumultuously over the place where he is, or lie in ambush for him.

The loyalty of Spain is of such an extraordinary character that it was established as *fuero* that, even though a person born in the kingdom should become the vassal of another, if he happens to be in a place where a battle is about to occur, he should leave his knights with the lord with whom he came upon the field, and betake himself to the other lord whose compatriot he was, in order to accompany him, along with all those who were his fellow-countrymen; and also that they should not oppose him in any place where they saw his standard or his pennon. They should also carefully protect him from evil report, for although this is created by words, and travels through the air, it inflicts a much more serious blow than a weapon, for this kills a man without depriving him of life, which arms cannot do: and it also inflicts a much worse blow, for a weapon does not wound anyone except him whom it strikes, but slander wounds both him to whom it is applied and all his family, and even the ears of those who wish to believe it; and it also possesses another evil quality, for men recover from it with greater difficulty than from a wound; wherefore the ancients considered a wound of this kind more serious than a mortal one, because the latter does not occur more than once, and the other is inflicted every day. The people should also be careful not to reveal the secrets of their king, for this is something from which two evils arise; first, dishonor, second, injury. For he who reveals the secrets of the king dishonors him greatly, for the reason that it appears that he does not value anything which he said, or consider that it is something that should be kept; and, in addition to this, it rather proves that he loves the other person, to whom he revealed the secret, more than his lord from whom he obtained it, through his confiding in him. Moreover, injury results therefrom, because he might reveal something through which the king would lose his life, or suffer some of the other misfortunes which we have mentioned, or by means of which his honor might be tarnished, or his acts interfered with.

Hence, those who knowingly commit any of the acts which we have mentioned in this law relating to the person of the king, are guilty of treason, although some of the said offences are greater than others. Such persons should be punished for each of them, as we have set forth above in the laws which treat of this subject.

## **TITLE XIV.**

### **How the People Should Act in the Protection of the King, His Wife, His Children, and His Other Female Relatives, as Well as the Governesses, Waiting-Maids, and Other Women Who Accompany the Queen.**

Men possess certain things which, although they do not belong to their persons in such a way as to be united with them, yet should be protected just as their bodies are. Wherefore, since in the preceding Title we have shown how the people should act in protecting the person of their king, we desire to show here how they should protect him in the persons of his wife, his daughters, his female relatives, and the governesses, waiting-maids, and other women who accompany the queen: because the king will not be well guarded if they are not protected. We shall show how this protection should be afforded; what profit results from it when this is well done; what injury results when it is not well done; and what penalty those deserve who err in this respect.

## **LAW I.**

### **How the People Should Protect the King and His Wife, the Queen.**

There are other things, in addition to those we mentioned in the laws of the preceding Title, which the people should be very careful to avoid doing to the king, for although they may not be visibly connected with his person they are actually concerned with it. This would be the case when anyone attempts to advise, or cause the wife of the king to do anything by which she would wrong her husband, or on account of which she would be personally degraded; for, in an instance of this kind, dishonor arises in two ways; first, with respect to God; second, as regards the world. For, according to God, she who was given to the king justly by law, to be his sole companion, like the marriage which He made between one woman and one man in Paradise, and those who do this turn this marriage into license, by causing her to be common property, giving her to others as well as to her husband; and the marriage which was faithfully made, and which, according to the regulations of the Holy Church, is called legitimate, becomes faithless.

With regard to the world, they commit the greatest dishonor possible, by wronging the king in something which he reserves for himself, and in which, according to nature, no living being should desire to share. In addition to all this, they will cause her to lose the honor which she formerly possessed, by making her liable to the worst insult which can be offered to a woman; and they will also inflict a great wrong upon the children born of her, by placing their origin in doubt, and by causing them always to be ashamed of the conduct of their mother. Hence, for all these reasons, the ancients classed this as one of the greatest acts of treason which could be committed against the king, and they decreed that those who committed it, or advised it to be committed, should receive the same punishment as if they had killed the king himself.

And, in every other respect, they ought to honor and protect the queen, in like manner as the king, for if they do not protect her, they cannot perfectly do the five things which we have mentioned above. Whoever is so bold as to offend by doing any of the things above prohibited, and which he should not do as far as the king is concerned; first, on account of his honor, since both persons are one and the same; and second, because the

sons who are born to them are already distinguished as lords and will inherit the kingdom; will on this account, be guilty of manifest treason, and should suffer the same penalty as if he had committed the crime against the king himself.

## **LAW II.**

### **How the King Should Be Protected With Respect to His Daughters and His Other Female Relatives.**

Stupidity and deceit are two very bad qualities. Stupidity means the failure to understand matters as they exist, and deceit is to make use of them in a very wicked way; and since each of these is very nefarious in itself, they become much more so when they are united; for he who possesses them cannot avoid being considered both foolish and perfidious, and therefore certain persons who desire to practise treachery assume a lack of understanding, by pretending not to comprehend the evil which they wish to commit. This is the case where some maintain that, while protecting the king in the person of his wife, they are not required to protect his daughters, or his other female relatives; and folly like this is very extraordinary, because those who dare to dishonor persons belonging to the family of the king should be well aware that they do not honor or protect him. And, for the reason that an act of this kind proceeds rather from boldness and treachery than from want of intelligence, the ancients of Spain decreed that whoever dishonors the daughters of the king, or his sisters, or any other of his female relatives, by causing her to commit wickedness through the agency of their persons, shall receive the same punishment as if he had killed them. For, as he who kills any one of them causes her to lose her life, so, he who causes her to commit wickedness by means of her person, deprives her of her good reputation, and causes her to be of evil report and to lose the opportunity of marriage, and therefore he should be put to death just as if he had killed her. If the guilty person cannot be found, he shall lose all his property and be forever banished from the kingdom.

Those who advise anything of this kind shall have their eyes put out, and be deprived of all their property, for this is understood to refer to those who belong to the household of the queen or whom the king leaves for safe keeping in some particular place. However, with regard to others who commit these acts elsewhere, the king should punish them according to the nature of their offense, because they are not guilty of such great treachery as the former, on account of their being a part of the household of the queen. If anyone, actuated by boldness or insanity, should violate any of these in any place where she may happen to be, he will be guilty of manifest treason for which he should suffer death, if he can be found; and, if not, he should be forever banished from the kingdom, and, in addition to this, should lose all of his property.

## **LAW III.**

### **How the People Should Protect the King in the Persons of the Governesses and Waiting-Maids Who Belong to the Household of the Queen.**

The household of the queen was formerly called the bed-chamber, for, as many things which are required in the bed-chamber are deposited there concealed and guarded; in like manner, the governesses and waiting-maids, who belong to the household of the queen, should be secluded and protected from the sight and insults of bad men and bad women, and this is the case for three reasons. First, on account of the honor and protection of the king and

the queen; second, on account of the honor of the women themselves; third, on account of the honor of their relatives. For which reason anyone who ventures to commit such an act with one of them, that by its means he will cause her to acquire a bad reputation, is guilty of open treason, for which he should be put to death, if he is either caught in the act or when about to commit it; and where this is not the case he should be banished from the kingdom, if he is a man of honorable position, and be regarded by his relatives as an enemy; and if he is a man of inferior rank, he should be put to death immediately, or just as soon as he is found, and if he is not found, he should lose all his property.

#### LAW IV.

##### **How the People Should Protect the King in the Persons of the Nurses and Other Women Who Belong to the Household of the Queen.**

It is necessary for many other women to travel and serve in the household of the queen, some of whom reside there constantly to render service, and others who come from different places for things which they cannot avoid, as, for instance, to ask for something, or to complain of some wrong which has been done them. Some of these belong to religious orders, as, for instance, nuns of different kinds and those who are attached to houses of the secular clergy; and, in addition to these, there are others who are slaves, as, for instance, women who profess another religion. Wherefore the people are bound to protect them, as well as all others who come there for any reason whatever, and to do this for the sake of protecting the king, so that no one may dare to commit any act with them by means of which they may become bad women.

Any person who has sexual intercourse with one of these, while belonging to the household of the king, will be guilty of open treachery—although this is not of such a serious character as the treasonable offences we have mentioned in other laws—so that where he happens to be a man of honorable rank, and is caught in the act, he should be put to death, and, if not, he must be banished from the kingdom. Where he is a man of inferior station, he should be put to death on this account, whenever he is found, and if he cannot be found, he should forfeit half his property. But where she with whom he committed this offense is a wet nurse to one of the children of the king, or one whose duty it is to serve the queen every day by taking care of her clothing or her chests, then he who has intercourse with her in the house of the queen will be guilty of open treason; and the ancient sages included the nurse in this prohibition, for the reason that if she committed such an act while nursing the child, it might happen that a serious disease or death would result.

The keeper of the wardrobe, however, was ranked so highly by loyal Spaniards that they considered her on an equality with the queen, and there were two reasons for this: first, because she is more intimately associated with her mistress every day, and is better acquainted with her acts and her secrets than the others, and, on this account, could more readily induce her to commit wickedness, and would be able to conceal it better; second, because it might happen that some proud wardrobekeeper, desiring to commit a sin with anyone, would put on the clothes and take the ornaments of her mistress, in order to make a better appearance, and those who saw her might suspect that she was the queen herself, who in this way would acquire a bad reputation when she was not guilty. Hence, for all these reasons, anyone who has intercourse with any of these women should be put to death and forfeit half of his property; and if he cannot be found, he should be banished from the country and lose all his possessions.



## TITLE XV.

### How the People Should Act in Protecting the King in His Children.

Men owe their wives the debt of the union of love, but, they are under obligations to their children more than to other relatives, through their connection with them through descent. Wherefore, since in the preceding Title we have shown how the people should act in protecting the king in the person of his wife, his daughters, and the other women who accompany them; we intend to explain here how it is proper they should act in protecting him in the persons of his sons, and his other male relatives. We shall show how this protection should be accomplished, and for what reasons and in what matters; what good and profit result from it, when it is properly done; and what injury it causes when it is improperly done; and what penalty those deserve who are guilty of error in regard to it.

## LAW I.

### How the People Should Protect the Sons of the King.

As the people are required to acknowledge, love, fear, honor, and protect the king by the command of God whose place he occupies on earth, and also according to nature, because he is their lord, as well as on account of the other obligations which we have mentioned; so they are bound to do all these things with regard to his sons, on his account. For, as the ancient sages proved, the father and son are, as it were, one person, since the latter is begotten by the former, and receives his shape, and is naturally his aid and his reliance during his life, and his remembrancer after his death, because he occupies his place. Hence, for all these reasons the people should honor and protect the sons of the king, just as they do himself, from death and wounds and all other accidents from which dishonor, injury, or evil may result to them from those persons mentioned above from whom the king himself should be protected, and this especially applies to the son who is expected to be king. This is the case for two reasons; first, for the sake of the father who is lord; second, on account of the sovereignty of the kingdom for which God selected him, when he desired that he should be born before his other brothers; and therefore they should protect him in everything, just as they do his father. And whoever antagonizes him should receive the same punishment as if he had treated the father in this manner, as we previously stated; except where he himself may attempt to kill, imprison, wound, or dethrone his father, for, under these circumstances, anything his vassals may do in order to defend the king their lord, will not render them liable to the penalty aforesaid; and this is the case because one's natural lord should be protected above all things.

We declare that this also applies to the other sons, where they evince a disposition to commit any of the above-named offences against the king, their father, or against their elder brother. We decree that the same penalty shall also be incurred, where the eldest brother, or any of the sons of the king, commit any of the above-mentioned offences, against the queen, their mother—except, indeed, where she has committed such a fault that the king, himself, and they are compelled to punish her—for in an instance of this kind, anyone who assists the king, acting under his order, will not be guilty, or be liable to the punishment aforesaid. Whoever, under any other circumstances,

knowingly kills, wounds, or imprisons any of the other sons of the king, is guilty of treason, and shall be put to death on this account; and, if he cannot be found, he must lose all his property, and be banished forever.<sup>1</sup>

## LAW II.

### The Eldest Son Has Precedence and Superiority Over His Other Brothers.

Superiority, by reason of primogeniture, is a great mark of affection which God bestows upon the sons of kings by distinguishing them from their other brothers who are born after them; for he makes it plain that he gives precedence to, and places above the others, him upon whom he desires to confer this honor, in order that they may obey him and protect him, as they do their father and their lord. That this is true is proved by three reasons; first, because it is so by nature; second, by reason of the law; third, on account of custom. It is according to nature, since as the father and mother desired to have offspring to inherit their property, he who is first born and comes before the others to accomplish what they desire should rightfully be more loved by them, and should inherit their property. It is shown to be according to law, by what Our Lord said to Abraham, when He ordered him, for the purpose of testing him, to take Isaac his first-born son, whom he greatly loved, and sacrifice him on account of his love for Him. He commanded him to do this for two reasons; first, because he was his favorite son whom he loved as he did himself, as we previously stated; second, for the reason that God had selected him to be a saint, when he desired that he should be the first born, and on this account he commanded him to offer him up in sacrifice; for, as he said to Moses in the old law, every male who is first born should be called holy and belonging to God. And that his brothers ought to accept him instead of his father, is proved by the fact, that he is older than they, and came first into the world. That they are obliged to obey him as their lord, is established by the words which Isaac said to Jacob his son, when he gave him his blessing, thinking that he was the elder: "Thou shalt be the lord of thy brothers, and the sons of thy mother shall bow down before thee, and him whom thou dost bless shall be blessed, and him whom thou dost curse shall be

<sup>1</sup>No specific definition of treason is given in the Twelve Tables, but the general character of the offence is set forth in the laws which forbid nocturnal assemblies; the indictment to sedition; plotting war against the country; the perfidious betrayal of a citizen to the enemy, or the act of aiding or abetting such a betrayal; all of which were punished by death. "*Si quis in urbe coetus nocturnos agitaaverit, capite luito.*" "*Si quis adversus patriam concitauerit bellum, et ciuem tradiderit hosti, vel in aduersariorum manus aliqueu venire curauerit prodicione, capite punitor.*" (Leg. XII. Tab. IX-VI-VII.)

The crime of treason is defined at great length in the Civil Law, by which it is declared that: "*Majestatis autem crimen illud est quod adversus populum Romanum, vel adversus securitatem committitur.*" In the explanation of which definition every conceivable act, either direct or indirect, against the state, the emperor, and all officers to whom his authority was delegated, is mentioned as rendering a culprit liable to punishment. (Corp. Jur. Civ. Dig. XLVIII-IV.) The strict construction of the law of treason by the Roman tribunals subsequently limited the crime to statements which were unquestionably directed against the government or person of the emperor.

The offence of treason, as defined by the *Partidas*, is of broader significance, and much more extensive application than that of almost any other code, ancient or modern. The majority of these are founded upon the law promulgated by Augustus, and referred to in the Institutes as follows: "*Lex Julia maiestatis quae in eos qui contra Imperatorem vel rempublicam aliquid moliti sunt suum vigorem extendit, cuius poena animae amissionem sustinet, et memoria rei et post mortem damnatur.*" (Corp. Jur. Civ. Inst. IV-18-3.) This, it will be seen, does not require an overt act, as is the case now in England. The doctrine of intention, subsequently carried to great length by the imperial tribunals, was further authorized and confirmed by a Rescript of Hadrian, "*In maleficiis voluntas spectatur, non exitus.*" (Corp. Jur. Civ. Dig. XLVIII-8-14.)

Under the Statute *De Proditionibus*, 25 Edward III-V-2, a considerable part of which is still in force in Great Britain carnal knowledge of females of the king's family was high treason, not only where the queen, the eldest daughter, or the Princess of Wales was concerned and which was made so to insure purity of descent, and the integrity of the succession to the throne—but the rule also included all the sovereign's relatives, and extended to inferior members of his household, as in the *Partidas*. By the above mentioned enactment even to imagine the king's death was of itself high treason. That curious old treatise *Les Pleez del Coron*, written in the law-French jargon of the time and published during the reign of Elizabeth, quoting Britton, says: "*Que si home compassa la mort le pere ou mere le roy, ou de ses enfantes ou luy disheriter de son Roynme, ou detrahir son host, toute foits ne soyt tiel compassement mis in effect; cest treason. En mesme le manner est de cestuy qui purgisa les fies le roy ou ces norices de ses enfantes.*" (Staundforde, *Les Pleez del Coron*-1-2.) The scope of the provisions of the laws against treason, as well as the penalty for the crime, have been greatly modified by modern legislation, although medieval ideas on the subject of *l'ee majesté* still hold their place in some of the penal codes of Europe.

accursed." It is therefore understood by all these words that the eldest brother has power over his brethren as their father and their lord, and that they must acknowledge him in his stead.

Moreover, according to ancient custom, although the parents ordinarily had compassion on their other sons, and did not wish that the eldest son should have all, but that each one should have his share; nevertheless, wise and learned men, having in view the common benefit of all, and being aware that this division could not be made in the kingdom without its being destroyed—for Our Lord Jesus Christ said that every kingdom which is divided shall be laid waste—deemed it just that no one should have the sovereignty of the kingdom but the eldest son, after the death of his father. This practice was always observed in every country in the world where the sovereignty was obtained by descent, and especially is this the case in Spain; and to avoid many evils which have happened, and which may occur again, they decreed that those should always inherit the government of the kingdom who traced their lineage through the direct line. Wherefore they ordained that if there were no sons, the eldest daughter should inherit the kingdom. They also decreed that if the eldest son should die before he came into his inheritance, and should leave a son or a daughter born of his lawful wife, he or she, and no other, should have the kingdom. If, however, all of these should die, his nearest male relative should inherit it, if he was properly qualified and had not committed any act by reason of which he would not be entitled to it.

The people are required to observe all these things, for the king cannot be perfectly protected in any other way if they do not protect the kingdom in this manner. Therefore whoever acts in opposition to this is guilty of open treason, and should receive the same punishment which as stated above should be inflicted upon those who refuse to acknowledge the sovereignty of the king.

### LAW III.

#### **How the Guardians of An Infant King Should Be Selected, Where His Father Did Not Appoint Any Guardians.**

It frequently happens that at the death of the king, his eldest son and heir is but a child, and that the most prominent men in the kingdom contend who shall have charge of him until he attains his majority. From this many evils arise, for, in most instances, those who desire to be his guardians do so rather to obtain something through him and to gain superiority over their enemies, than to protect the king or the kingdom. Through this great wars, depredations, and injuries originate, which result in the complete destruction of the country; first, through the infancy of the king, because they know that he cannot prohibit these things; second, on account of the discord which exists between them, because some exert themselves to injure the others to the extent of their power. For this reason the ancient sages of Spain, who very loyally gave all matters careful consideration, and knew how to afford protection by doing away with all these evils which we have mentioned, decreed that as long as the king remained a child, if his father had designated eminent men to have charge of him, by ordering them, either in writing or verbally, to do so, the people of the kingdom were required to obey them just as if the king himself had commanded it; but where the deceased king did not issue any command of this kind, then all men of superior rank in the kingdom, prelates as well as nobles, and all other good and distinguished men of the town, should meet where the king happened to be, and, after they are assembled, should swear over the holy gospels, that, first of all, they will bear in mind

the service of God, the honor and protection of their lord, and the common benefit of the kingdom; and, in accordance with this, they ought to select such persons under whose control to place the king who will well and loyally protect him, and who should possess eight qualifications. First, they should fear God; second, love the king; third, be of good lineage; fourth, be natives of the country; fifth, be his vassals; sixth, they should be intelligent; seventh, of good reputation; eighth, of such a character that they will not desire to inherit his property, thinking that they have a right to it after his death: and these guardians should be one, three, or five in number, and no more; for, if ever discord should arise among them, whatever the majority may agree upon must prevail.

They should swear that they will protect the life and health of the king, and that they will endeavor to promote the welfare and honor of him and of his country in every possible way; and that they will avert and remove, on all occasions, whatever tends to his wrong or injury. Also, that they will protect his sovereignty so that it will remain unimpaired, and that they will not permit it to be divided or alienated in any way, but that they will aggrandize it, so far as they can justly do so. Also, that they will preserve it in peace and in justice until the king attains the age of twenty years; and where a daughter is to inherit the kingdom, that they will do so until she is married. They must also swear that they will do all these things, and observe them well and loyally, as they are enumerated above; and after they have sworn this, the king should be committed to their care, so that, with their advice, he may perform all the important duties which are required of him. And they should constantly keep such men in his company as are able to explain these matters to him, so that he may acquire good habits and courteous manners, as was previously stated in the laws treating of these subjects. We decree that they must act in harmony and do all these above named things, when the king happens to lose his mind, until he regains his senses, or dies. But where the mother of the infant king is living, she must rank first, and be the chief guardian over the others: for she must naturally love him more than anything, on account of the pain and anxiety which she endured while bearing him in her body and bringing him up; and they should submit to her as their lady, and obey her commands in everything which tends to the benefit of the king and the kingdom. This guardianship she should possess as long as she does not marry and desires to remain with the child.

Wherefore, such persons as are unwilling to select these guardians, as above stated, or, after they have been chosen, refuse to obey them when the latter do not give cause for it, commit open treason, as they let it be understood that they do not care to protect the king or the kingdom, and, therefore, they should receive the following punishment, viz: if they are men of distinction, they should be banished from the country forever, and if they are not, they should be put to death for their offense. We also decree that when any guardian fails to do his duty in any of those things which he is required to do for the protection of the king and the country, he should be punished according to the nature of his act.

#### LAW IV.

##### **What the New King is Required to Do and Observe for the Sake of Him Who Is Deceased.**

When the young king has reached the age mentioned in the preceding law, or, being of such an age when he commences to reign that he can govern his kingdom, he is required, by justice and propriety, to perform the following acts for the sake of the dead king. For instance, he should bestow alms for

the peace of his soul, and cause masses and other prayers to be said, beseeching God to have mercy upon him. He should also pay his debts, and carry out his bequests, and relieve such of his people as have need of it, that they may not suffer want. Moreover, he should protect his reputation, so that those who did not speak ill of him during his lifetime, may not do so after his death; for, since this does not injure the deceased or profit him who says it, the latter is shown to be insolent, and what he says dishonors the young king, for which reason it should not be tolerated under any circumstances. And, as he would wish they might treat him after his death in accordance with justice and right, so should he do the same for the soul of the deceased, since he occupies his position and inherits his property. For it is but proper since he enjoys the honor and advantages of him of whom he is the heir, that he should also assume the responsibility and the cares of what the latter had to perform; and, by acting in this manner, it will be of great benefit to him, for all who hear of it will think more of him for this reason, and will be more loyal to him; and, moreover, he will be always more confident that his heirs will act towards him in a similar manner when he dies. But this should be done in such a way that his dominions may not be diminished, as by selling or alienating any of the property which is, as it were, the foundation of the kingdom; but he is at liberty to do this with any personal property in his possession.

A king who does not act in this way will be considered idle and worthless, and even a wrong-doer, for these are characteristics which will ill become him in this world, and for which God will punish him in the next, as one who should have protected all persons equally, and did not even protect himself. Where the king is so young that he cannot do this, those who have charge of him should do it for him; and where they maliciously fail in their duty, they should be punished in the following manner, namely; where they have received anything from the deceased king, as, for instance, an office, a bequest, or an estate, they should forfeit it; and where they held nothing of him, after the king is grown up, they should be compelled to leave the country for as long a time as he and the court deem just.

## LAW V.

### **The King, and All the People of the Kingdom, Should See That Its Sovereignty Always Remains Intact, and That It Is Neither Alienated Nor Divided.**

Fuero and usage, in ancient times, ordained that the sovereignty of the kingdom should neither be divided nor alienated. This was done for three reasons; first, to evince loyalty towards their lord by showing that they prized his honor and his welfare; second, for the honor of the people themselves, as the greater the supreme power, and the larger their country, the more they would be esteemed and honored; third, on account of the protection of the king and of themselves, for the greater the sovereignty, the better would they be able to protect both the king and themselves. Wherefore they decreed that when the old king was dead and the new one had taken his place, he should swear, at once (if he had reached the age of fourteen years, or more), that never, during his life, would he divide or alienate his sovereignty; and where he had not reached this age, those whom we have mentioned in the preceding law as having charge of him should take the oath for him: and that he, himself, when he had attained the age aforesaid, should afterwards make oath, and that all those who happened to be there with him should swear to protect two things; first, such as relate to himself, as, for

instance, his life, his health, his honor, and his welfare; second, always to see that the sovereignty remained intact, and that, neither, in word or deed, would they consent to, or do anything by which it might be alienated or divided. In addition to this, the most eminent men in the kingdom who are present, or the prelates, nobles, knights, and all persons of rank, as well as the principal men of the cities and towns should render homage. This also those who do not happen to be there at the time should come and do, except where any of them are ill, or some similar impediment exists by reason of which they cannot be present; and in cases of this kind, those whom the king sends especially for this purpose must receive their homage. And because all persons cannot repair to the king to render homage, and it would not be convenient for them to do so, they should render it in every town in the following manner. First, the entire council having been assembled by proclamation, certain men afterwards appointed to represent all the others, men and women, large and small, both those who are living and those who are to be born, this homage should then be rendered; and it should be proclaimed at the same time that he who does not render it will be liable, on that account, to the same penalty to which he would expose himself if he had committed the greatest possible act of treason. After homage has been rendered in this way, the entire people should raise their hands and assent to it.

It is not understood, however, that the homage which we have mentioned concerns any localities except those which belong to the king; for with regard to such as other men hold in his dominions by inheritance, their respective lords should come and do homage for themselves and for their vassals, as we have previously mentioned in other laws. And also, for the better preservation of the royal sovereignty, the ancient sages ordained that whenever the king desired to grant any landed property to anyone, he had no right to do this by law unless he made a reservation in regard to such matters as affected his power; as, for instance, that they should make war and peace at his command, and that they should join his army; that his money should be current there; and that they should contribute it whenever it was contributed in the other parts of his dominions; that he should absolutely control the administration of justice, as well as appeals from judicial decisions; and have the disposal of all mines, if there were any there, and even if in the patent conferring the grant it was not stated that the king reserved the aforesaid prerogatives for himself, he to whom the grant was made should not, for all that, understand that he acquired any right to the same. This is done because they are of such a nature that no one can legally obtain possession of them, or use them, except where the king makes a grant of all, or of some of them, in the patent; and, even then, they cannot be held or used, except only during the life of the king who granted them, or of some other king who confirmed the grant.

Wherefore the people should watch over all these matters which we have mentioned, in order that the sovereignty may remain intact, and that they may not consent, under any circumstances, to its being alienated or divided, for those who do consent, commit offences in several ways; first, against God by separating what he joined together, also by dividing and holding in contempt what he bestowed in the way of honor, and by going contrary to the words which he spoke by Isaiah the prophet: "Thou shalt not alienate thine honor, or bestow it upon another." Such persons even sin against themselves, if they advise the king and show him a way how to do this, or where they do not prevent him from doing it, as far as lies in their power. Those who do not act in this way are guilty of treason, and should undergo such punishment as persons who desire, and exert themselves to the end that their lord may lose his property.

**LAW VI.****How the People Should Act Towards the King in the Protection of His Relatives.**

Those persons who are related to one another are said to be of the same blood, and although they are all equal, in themselves, they cannot be on an equality so far as the honors and the prosperity of this world are concerned. For this reason not only should the people protect the king in the persons of his sons and daughters, but also in those of his other relatives, on account of his honor, and the tie of relationship which exists between them. Therefore, whoever kills, wounds, or dishonors any of them, without the command of the king, should be punished according to his will, or the judgment of his court, dependent upon who his relative and the party who committed the offence were, regard being also had to the time and place where it was committed.

## **TITLE XVI.**

### **How the People Should Protect the King in the Persons of His Officials, Not Only Those Belonging to His Court But Those Who Resort to It.**

Nothing can be thoroughly protected, as it should be, if other things which have charge of it are not themselves protected. Wherefore, since in the preceding Title, we stated how the king should act, and how the people should proceed in protecting him in those who are lineally related to him; we desire here to explain how those who are around him and associate with him daily on account of the offices they hold, and by means of which it is their duty to serve him, should be protected. We shall show in what way the people ought to protect the king in the persons of his officers, and for what reasons they should do so; what benefits result from this when it is properly done, as well as what injury when it is not; and what penalty those deserve who commit offences in this respect; and afterwards we shall speak of the court, and how it, as well as those who visit it, should be protected.

## **LAW I.**

### **How the Officers of the Court of the King Should Be Protected.**

The people should acknowledge and protect the king in the persons of his officials on account of the honor and the benefits which he confers upon them, and on account of the offices by means of which they constantly serve him, as we have set forth in the Title; "How the king should act towards his officers;" for some have charge of his soul, and others of his body, and it is the duty of others still to assist him by their advice and their labors that he may well and justly maintain his people; and in order that they may perform all these things for the protection and benefit of his people, it is only just that they should be protected by him. For this reason no one should be so bold as to dishonor them either in deed or in word, as he who does so commits a great offence, because the wrong and dishonor done affects not only them but the king also in whose service and charge they are, and such persons therefore deserve very serious punishment. And for the reason that the persons of the king's officers and those who commit offences against them cannot belong to the same rank and station, we are not able to inflict a definite penalty in cases of this kind; but those who are guilty of this offence, either in word or deed, should receive such punishment as the king and his court find reasonable and just; in the first place, taking into consideration these six things, namely; first, who the man is that commits the offence; second, who the official is against whom it is committed; third, what is the nature of the offence, or wrong done to him; fourth, for what reason and how it was committed; fifth, where it was done; sixth, at what time it was committed.

## **LAW II.**

### **How All Those Who Belong to the King's Court, or Visit It, Should Be Protected.**

The officers of the king should be acknowledged, honored, and protected, as we have shown in the preceding law, and we now desire to state how all others who belong to his court, or visit it, although they do not hold office, should be protected by the body of the people. For, since the object of their



coming is to see the king, to render him service, to obtain their rights by his means, or to do something for his advantage which they cannot accomplish elsewhere, it is but just that they should be honored on account of the dignity of the king, and protected because they come under his assurance of safety; as it is very proper that the court should be safer and better protected than all other places, since from it proceed security and protection to all the rest of the country. This should be accomplished in two ways: first, with regard to those who are there constantly; second, with regard to those who come to, or go from it; for no one should dare to kill, wound, imprison, or dishonor by word, deed, or advice those who are at the court, but they should rather be protected on account of the honor and security of the king; nevertheless, the perpetrators of these deaths, wounds, or dishonor should be punished according to the locality where they took place, and whether this was near to, or at a distance from, the king. For where anyone kills or wounds a person in the presence of the king he commits treason, for which he should be put to death as soon as he can be found, and he should, besides, lose the half of his property; and the ancient inhabitants of Spain considered an act of this kind of such gravity that they held him guilty of treason who, in the presence of the king, drew a weapon with which to strike another, even though he did not strike him; or if he uses insulting language, so that the other will be compelled to fight him, except where the insult was uttered by way of challenge.

Where a party kills or wounds another in the house or the courtyard where the king has his lodging, although this is not as great an act of insolence as if it had taken place while the parties were standing before him, we nevertheless, decree that it constitutes treason for two reasons; first, on account of the great dishonor which is done to the king, by treating him with contempt and raising a tumult in his court; and second, because of the danger which might result to him; for the disturbance might be such that he himself would be compelled to interfere to put an end to it, and on this account suffer death or personal dishonor. Wherefore they deemed it just that if he who committed such an act could be seized, he should lose his life, and, if not, he should be put to death as soon as he was found.<sup>1</sup>

### LAW III.

**What Punishment Those Should Receive Who Fight In the Place Where the King Happens to Be, and Also Those Who Kill or Wound Within a Distance of Three Miles Around.**

Those who engage in combat in the town or place where the king happens to be, being aware of his presence there, are guilty of great insolence, and, according to the decrees of the ancients, should be severely punished for it. For they considered it just that not only those who commit such an act, but all others present who are ready to assist them, where anyone involved in the affray receives wounds from which he will die, should be put to death on this account, just as if the brawl had occurred in the king's presence. And they made this law for the reason that the affray might assume such proportions as to endanger the life or honor of the king, as well as those of all the good and honorable men who were with him; therefore all persons are bound immediately to interfere, and put an end to, a disturbance of this kind from which so much evil may result, as well as to make peace between the

<sup>1</sup>The mere drawing of a weapon in the precincts of the Court was, in mediæval times and subsequently, considered such an insult to the person and dignity of the monarch that it entailed the loss of the right hand of the offender. The Statute 33 Henry VIII. 12, where the act was accompanied by the shedding of blood, imposed this penalty in addition to those of fine and perpetual imprisonment. The crime, was not, however, included in the category of treason.

parties; just as they would do in the case of a fire which might burn up the town or the houses in which they lived. They even considered an affair of this kind so serious that they commanded that if one of those who constantly accompanied the king, on account of the companionship which existed among them and which resembled a brotherhood, should kill another intentionally and wrongfully, and was a person of superior rank, he should be put to death according to the will of the king; and where he who was struck did not die of his wounds, he should be banished from the kingdom. Where the murderer was of inferior station, they ordained that he should be buried alive under the corpse; and where the other party did not die of his wound, that his hands should be cut off.

They also decreed that if a man of honorable rank should kill another within a distance of three miles, which is one league, from the place where the king was, he should be put to death on account of it; and where his opponent did not die of his wounds, that his hands should be cut off. These penalties should be inflicted according to the pleasure of the king. They also decreed that those who left the place where the king was, with the intention of returning on that day, and passed the three mile limit, and a person should kill or wound any of them, he should be punished according to the king's judgment; all the six matters which we mentioned above being taken into consideration, except where the party was his declared enemy. However, where a person kills or wounds another in any of the places which we have mentioned in this law and in the preceding one, and does so by order of the king, or in defending himself, or for his own protection where the party desires wrongfully to kill him, he will not be liable to this penalty. But this exception should be made in the case where the other draws a weapon, and attacks him with the intention of killing him, or has wounded him in the first place; and, even then, the latter ought not to give more than one wound for another, in order that it may not seem that he did so on purpose to kill him, but only for the sake of defending himself, not being able to do otherwise, except where he perceives that he is mortally wounded.

They also decreed that not only the persons of those who came to the Court should be protected, as we have stated, but also all their property which they brought with them; for whoever undertakes to deprive them forcibly of any of their property they directed should be banished from the country for that reason, where he is a man of distinction, and where he is a person of inferior rank that he should lose his life on that account; and that whoever steals such property should be punished as if he had taken it by robbery elsewhere. They moreover decreed that whoever insulted another by speech in any of the above mentioned places, should be punished according to the pleasure of the king; the insult, and he who offered it, and the person against whom it was directed, and the place where the act was done, all being taken into consideration.

#### **LAW IV.**

##### **How Those Who Visit the Court of the King and Leave It Should Be Protected.**

Men go to, and depart from, the Court of the king for certain reasons mentioned in the preceding law. Some of these go of their own accord, others through compulsion. Those who go through compulsion are such as the king summons by his letters, or his messengers, by reason of some lawsuit, or some other matter among those which we have mentioned above, for which they are obliged to come by command of the king. Therefore we declare that all these, along with their property, should go in safety, and that no one

should dare to kill, wound, imprison, subject them to dishonor, or deprive them of any of their effects by force. They should enjoy this security from the day they leave their homes until they arrive at the Court; and also on their return, until they reach their homes, always traveling by ordinary day's journeys, so that they may not injure themselves or their property by rapid traveling nor, on the other hand, by making short day's journeys, to delay to such an extent that it may seem that they are acting in this way through fraud. Wherefore, whoever injures them in the ways above mentioned will commit treason, because he violates the assurance of safety given by the king, by whose order they went to him; and if he who does this is a man of high rank, he should pay double damages for the injuries he committed, and be banished from the country for as long a time as the king deems proper; and where he is a man of inferior station he should be put to death on this account.

Where, however, any person among those who are obliged to come by order of the king, as we have stated, has avowed enemies, and there are other men of whom he has fear, on account of some defiance or threat which they have made, or because of anything else which they have done for which he may have reason to think that they will attack him; he should communicate it to the judges, or mayor, or other men of his village, who hold office, or to men appointed by the king for any purpose—if there are any to whom he can tell this—who may attend to it so that the security offered by the king may not be violated, and the above mentioned penalty not be incurred. But if, after they are notified, anyone intentionally kills any of those who are on their way to the Court of the king, he should lose his life on account of the audacious act which he has committed; and where he who inflicted the wound is a man of distinction, and the person attacked does not die of his injury, the former should be banished from the country, and where he is a man of inferior rank his right hand should be cut off.

Those who deprive a traveller of this kind of any of his property, must pay double its value; but where the travellers have no apprehensions, or do not desire to notify the officials that they are afraid of certain persons, in the way which we have mentioned; and it happens that those of whom they stand in dread, not being aware that they are on their way to the Court of the King, should kill or wound them while on their journey, they should be punished in the same way as highwaymen; and if this occurs elsewhere than on the highway, they should be punished according to the law of the country in which they committed the act. We also decree that those who visit the Court of the King of their own accord, and are not summoned there, should be neither killed, wounded, nor robbed by anyone.

Thus he who is guilty of any of these acts deserves a very severe penalty, for the reason that if all the highways of the country should be protected and secure on account of the honor of the king, much more should those persons be who visit his court; wherefore whoever is guilty of violence toward them commits a serious offence for which he deserves punishment, according to the judgment of the king, the six matters mentioned above being always taken into consideration. Where, however, anyone has declared enemies, and they kill or wound him, they will not be liable to this penalty unless the act was committed within three miles of the place where the king happens to be. They should be safe both going and coming, even though they are not summoned, this being on account of the honor of the king and his court.

## **TITLE XVII.**

### **How the People Should Act Towards the King in the Protection of His Movables and Immovables, Which Are Used for His Maintenance.**

Those things are called property which men use and obtain assistance from, and these are of two kinds, some movable, and others immovable. Although all men should be well protected in the enjoyment of their property, much more should kings be so; wherefore, since in the preceding Title we explained how the people should act in protecting the king, his officials and his court, we desire to state here how they should protect the movable and immovable property which especially belongs to the king, to be used for his support. We shall show why it is so called; how it should be protected; what benefits result from its being well cared for; what injury is caused when this is not done; and what penalty those deserve who neglect to exercise this protection.

#### **LAW I.**

### **How the Property of the King, Whether It Be Movable or Immovable, Should Be Protected, and Why It Is So Called.**

The king cannot be perfectly protected if everything belonging to him is not taken care of by way of showing him honor. Wherefore, in addition to all those things which we have mentioned, there are still others, which we now desire to speak of, that the people should protect for him, and these are his movables and immovables. By movable property is understood that which lives and moves of itself, and other things as well, which although they are not living, and cannot move of themselves, can, however, be moved. *Rayzes* consist of lands and structures which cannot be moved in either of the ways which we have mentioned. Of such lands as constitute immovables, some belong absolutely to the king, as, for instance, storehouses, cellars, or cultivated lands of every description whatever, which he may have inherited, purchased, or obtained separately for himself. There are others which belong to the kingdom, as for instance, towns, castles, and other public property which kings grant to noblemen as estates; wherefore the people should protect the king in the possession of all these things, so that no one may dare to take them by violence, or steal or conceal them. For if stealing property of any man or obtaining it by force causes him dishonor, how much more does this affect the king who is his lord. Moreover, it is a most outrageous thing for the people of the kingdom to do to the sovereign something which they should desire to avoid on his account; and, leaving this out of consideration, the injury which he suffers is not only inflicted upon him, but upon all those upon whom he is bound to confer benefits; for, since he has much to accomplish, and much to bestow in many ways, it is also necessary that he have many resources to draw upon in order to be able to do this; and men should assist, and not hinder him.

Therefore, for all these reasons, anyone who knowingly seizes by force, or steals movables belonging to the king, commits open treason, according to the ancient *fueros* of Spain, and where he is a man of distinction and is taken in the act, he should be put to death; and where he is not, he must pay ten times the value of what he appropriated, and where he has not the means to pay, he should be banished from the kingdom for life. If he is a person of inferior rank he should be imprisoned by the king, and should serve him for a sufficient time in order to restore the value of what he stole

from him. However, although we stated that he who stole, or took the property of the king by force, was guilty of treason, the theft or robbery should have been committed in such a way, and at such a time, and be of such a character, as to be classed as open treason. Therefore, whoever is guilty of such an act should be punished according to the pleasure of the king, the social condition of the party, the robbery or the theft which he committed, the manner and the time in which it was done, all being taken into consideration.

What we have just said refers to movables, but where anyone has committed fraud in regard to immovable property, or has alienated it by appropriating it for himself or for someone else, without the order of the king; or where he gives his consent that someone should take it, having the power to forbid this to be done, and he who commits an act of this kind is a man of rank, he should lose the office he received from the king, and also be deprived of his own landed property to an amount equal to that for which he committed fraud, or appropriated, or gave his consent that another should do so; and if he has not the means to make this payment, he must be banished from the country for such a time as the king deems proper; and where he is a man of inferior station and has the means to make this good, he must be deprived of an equal amount of his own property, and be imprisoned for a stated period, according to the pleasure of the king, and if he does not have the means wherewith to pay, he should be put to death.

Although we stated above that any of those who were guilty of fraud with regard to the lands of the king or who dispose of them should be punished as aforesaid; nevertheless, this should not be understood as applying to those who, being in possession, have a right to said lands, and that they should retain possession of them for this reason; nor that it has any relation to the time which they have held them, because the landed property which belongs to the king or the kingdom cannot be alienated for any of these reasons.

## LAW II.

### **How the People Should Protect the Buildings and Warehouses of the King, and What Penalty He Deserves Who Fails to Afford This Protection.**

Men sometimes betake themselves to the buildings or warehouses of the king through fear resulting from offences which they have committed, thinking that they will find refuge there; and, in cases of this kind, the ancients deemed it proper that the people should protect the king, so that no one might dare to take them thence by force, unless some of them had committed treason, or been guilty of perfidy: for men of this kind should not be sheltered in a building belonging to the king, or anywhere else.

After they have entered there, those who come in pursuit of them should ask the judges to remove them, and keep them in custody, until it can be ascertained whether they are guilty or not, for, since they are obliged to comply with the demands of justice when they are found to be guilty, it is proper that they, and no others, should be removed. There are men of high rank, however, upon whom—although the justices may find that they are truly guilty of crime and deserve to be punished—they should not execute the sentence of the law, but should communicate the facts to the king, that he may order them to do what he approves of. No one should dare to remove the said parties thence for any other offence than treason and perfidy; but those who have complaints against them, ought to communicate this to the officer of the king who has charge of his said building, and he must see that they are treated with justice. Wherefore, whoever dares, for any other cause,

to remove them thence by force, should lose his life on account of it, according to the ancient fueros of Spain; and this is the case for two reasons, both of which relate to the dishonor done to the king: first, by entering and trespassing on his premises, second, by daring to dispense justice there, which is something that no one has a right to do except the king. But if they are outlaws, or known enemies of the king, whoever removes them, after they have shut themselves up there, will not, for that reason, be liable to the penalty aforesaid. It must be understood, however, that the king is not in the house, for if he should be there, no one would dare to remove the parties without his order for anything which they may have done.

## TITLE XVIII.

### **How the People Should Act, in Guarding, in Furnishing with Provisions, and in Defending, the Castles and Fortresses Belonging to the King and the Kingdom.**

To guard the castles and fortresses, and to give up the castles to those to whom they belong, or to whom they were granted, is something which men, under all circumstances, should do. Wherefore, since in the preceding Title we explained how the people should act in protecting the king with regard to the property movable or immovable to which he is especially entitled for his maintenance; we desire to show here how the king should be protected with respect to the towns, castles, and other fortresses which belong to him and to the kingdom. We shall show how the people should afford this protection, and for what reasons they should do so; what kind of men the governors, whose duty it is to hold said castles should be, and how they should receive them; what they are required to do for the defence and protection of these strongholds; and how castles should be surrendered and summoned, and by whom. We shall also speak of the fortresses which kings give to one another as security, and of the castles which the subjects of the king recover and obtain by conquest, and how they should be relinquished, according to the ancient fueros of Spain. And in every law of this Title we shall state the penalty which those should receive who, in any other way, keep, surrender, withhold, or alienate the castles and other fortresses which belong exclusively to the king and the kingdom.

#### LAW I.

### **How the People Should Protect the King in His Castles and His Fortresses, and What Punishment Those Deserve Who Fail to Afford This Protection.**

*Raiz*, according to the Spanish language, is a term applied to everything which is not movable, as we stated in the laws of the preceding Title; and, as we have described the landed property of this kind which is absolutely owned by the king, we desire here to speak of other kinds, which, although they are under the jurisdiction of lords, lawfully belong to him, and these are the towns, castles, and other fortresses of his country. For, although the above mentioned immovable property is of assistance to him in providing for his maintenance, the fortresses aforesaid furnish him strength and power for the defence and shelter of himself and all his people; and, for this reason, the latter should carefully protect the king in whatever concerns them. This protection is of two kinds, one of which is the duty of all persons in common; and the other is the duty of certain men. That which pertains to all, is that they should neither take by force, steal, rob, or acquire by fraud any of the king's fortresses, or consent that anyone else should do so, since those who do this are guilty of open treason, for which they should be put to death, and forfeit all their property. The ancients decreed that the same punishment should be inflicted as for the death of the lord, for the reason that the castle of which they caused him to be deprived might be of such importance that the king might be killed in consequence, or be dishonored, or lose his country and all his possessions. Those who consent to, or advise such an act should receive the same penalty. This kind of protection concerns all persons in common, but the other which concerns certain men, is divided into two kinds; first, that

which relates to those to whom the king gives castles to be held by inheritance; second, to those to whom he gives them to hold as his lieutenants. For those who hold them by inheritance must keep them in order and provided with men, arms, and everything else which they require; so that they may not be lost through their fault, nor may suffer damage, nor may any misfortune come upon the king or the kingdom: nor should they alienate them in any way, in life or death, to men outside of their jurisdiction, nor to anyone else who may bring war or injury upon the kingdom, but according to the ancient fuero of Spain, when they wish to sell or exchange them, they must make known the fact to the king beforehand; and when he is willing to give as much for them, either in money, or by way of exchange, as any one else in the country will give, they should be conveyed to him. For, although in his letter, or in the patent bestowing the grant, he may have said that he transferred the said castle to the party to do as he pleased with it as he would of his own property, it is not to be understood by this that he to whom this estate belongs can so dispose of it that the king or the kingdom will be deprived of it, or receive injury, or harm from that which the king bestowed as a benefit; but it is rather understood that they should protect and serve him by means of it. For which reason, he who loses a castle, or intentionally transfers it to anyone who might injure or make war upon the kingdom, or its king, will be guilty of open treason, for which he should lose all the lands which he possesses and be banished from the country forever, and the castle must revert to the sovereignty of the kingdom to which it originally belonged.

The second kind of protection concerns those to whom the king gives castles to hold for him. For they, more than all others, are required to guard them by keeping them provided with men, arms, and everything else which they need, so that they may not be lost through their fault. For if the people are bound by nature to protect the king with regard to his castles, as we have stated above, as well as with regard to the others granted with the right of inheritance, in order that neither harm nor injury may result to the sovereigns from whom they received them; much more should those do so upon whom the king bestows them as a mark of distinction, and under no other condition than that they will defend them for him, and restore them to him without hesitation when he demands them. Therefore, anyone who, by his own fault, loses a castle which he holds in this way, commits manifest treason, on account of which he should undergo the same penalty as if he had killed his lord; and all who aid or advise such persons should be punished in the same manner.

## LAW II.

### How Castles Should Be Granted and Received, and in What Way.

Loyalty is something that directs men in all their acts in order that they may always do what is best; and therefore Spaniards, who constantly practice it more than other men, seeing the great danger which might happen to their lords as well as to themselves, if the fortresses of the kingdom should be lost, established four regulations for their better protection. First, how castles should be received and by whom; second, how they should be guarded; third, how defended and aided when necessary; fourth, how they should be given up, when demand is made for them, and to whom they can be lawfully surrendered.

When they are received, which is the first of these regulations, care should be taken that the castles belonging to the king are accepted in his presence, he being the one who has the right to grant the castle, and the other party the one who is to receive it. Moreover, they should be received by his command, and especially from the hands of his doorkeeper; and the doorkeeper should be one of the same race as the king, and well known by name throughout the



country where he is a native; and in order that he may deliver it with his own hands, he should surrender the castle, which he is ordered to give up, to him who is entitled to receive it. In addition to this, such a time should be appointed, during which he may receive it, as the king thinks suitable; so that he who is to receive it, may find it convenient to come and accept it, and he who holds it may not be put to great expense through waiting for him, for, after the said period has elapsed, he who is to receive it is bound to pay the expenses, to the other who is in possession, if he is not willing to come to receive it; nevertheless, the castle ought to be delivered to the party before these expenses are paid, and they should be paid according to the judgment of the king, or according to the estimate of good men, in the selection of whom both parties should agree. And when the doorkeeper, from whose hands the castle must be received by the party entitled to it, arrives, he must surrender it before witnesses, and he who receives it must acknowledge in their presence that he is content with the delivery of the castle which the doorkeeper was required to make by command of the king. The ancients established this regulation for the purpose of protecting the honor of their lord and preserving their own loyalty, in order that no one might obtain possession of a castle, by means of a forged letter; and that it might not be surrendered by some person representing himself as the doorkeeper, but by one who is well known, and whom the king had appointed to deliver it by his own hand, as above stated.

### LAW III.

**For What Reason the Ancients Deemed It Advisable That the Delivery of Castles Should Be Made by the Doorkeeper: and What Punishment Those Should Undergo Who Are Not There to Receive Them Within the Appointed Time.**

The ancients decided, and deemed it proper that the delivery of castles should be made by the hands of the doorkeepers, and not by that of any other official, because they habitually stood at the door of the king, and were better acquainted with the men who entered and withdrew, as well as with others of the kingdom to whom they went many times with letters and messages; and they were also better known to the people because they were required to settle and remedy any wrongs inflicted upon the latter, and therefore it was deemed proper that the delivery of castles should also be made by them. And, in order that those who were to receive them might not be negligent in doing so, after the doorkeepers were in readiness to make the delivery, as above stated, they deemed it right that if the parties were not there to receive the castles within the appointed time, and did not give any valid excuse for not doing so, and if he who held the castle should lose it after the said time had elapsed on account of not having provided it with men, arms, and provisions, believing that the other would come to receive it on the appointed day; the blame should attach to him who should have received it and could have done so, but was not willing, and did not send any excuse, and that, for this reason, he should suffer the same penalty as one who had caused the loss of his lord's castle. But where he himself sends an excuse giving lawful reasons why he could not come and receive the castle within the appointed time, and the other party who held it leaves it unprotected, or without provisions, so that it could not but be lost; in this instance he would be the guilty one, and should be punished just as a vassal who loses his lord's castle; and he should be more severely punished than the other for two reasons; first, because he lost the castle while it was in his possession; second, because he risked his loyalty by placing confidence in another who was not his lord. And, although both of

the offences above mentioned are treasonable, nevertheless, the punishments are not of the same gravity, because he who lost the castle while it was in his possession is more guilty than he who did not have it, and caused it to be lost. For these reasons those who are required to deliver castles should not abandon them, or permit their provisions to be, in any way, diminished, even if the persons to whom they are to be delivered should not come to receive them at the appointed time, or send any excuse; except where the castles are invested, as stated hereafter in the laws treating of this subject.

#### LAW IV.

##### **How Many Kinds of Castles There Are Which Can Be Received Without the Agency of a Doorkeeper, and for What Reasons This Is the Case.**

There are castles which, according to the *fuero* of Spain, can be received without the aid of a doorkeeper; and there are four ways in which this may be done. First, when the king is engaged in conquest, or is with his army, and some castle is surrendered to him so unexpectedly that he cannot find a regular doorkeeper to deliver it to him who is to receive it; for, in a case of this kind, anyone whom the king orders to receive it can do so without the intervention of a doorkeeper, on account of the shortness of the time. Nevertheless, he who holds the castle should take care of it just as if he had received it from a doorkeeper, and, if it should be lost through his fault, he must undergo the same penalty. But after he himself has taken it he ought to ask the king, as soon as he arrives, to order him to hold it, and if the king desires him to do so from that time forward, he should send his doorkeeper to deliver it to him.

The second way is when anyone informs the king that he will not accept a castle which is badly constructed, or some other place which is so weak that he does not dare to defend it, for fear of running the risk of treason if it is lost; for a castle of this kind should not be delivered by the hands of the doorkeeper, as he, himself, well knows the risk which the party will assume if he should hold it, for kings should take great care to avoid giving their vassals the opportunity to commit crimes. Wherefore, whoever candidly explains to the king the danger which may occur from the weakness of the castle, as above stated, and the king afterwards orders him to receive it at the hands of the doorkeeper, peremptorily, and against his will; even if he should lose it, he will not, on this account, incur the penalty of treason, because he told the truth and they were not willing to believe him, and forced him to take it, as it were, by compulsion; but if he falsely advanced a reason of this kind, the place being one capable of defence, and he lost it under such circumstances, he would be liable to punishment for treason.

The third way relates to castles which the king holds in pledge, or which have been delivered on account of crimes committed by persons who have been required to make reparation for them. And although castles of this kind can be received without the agency of a doorkeeper, if the king should so desire, for the reason that they are not absolutely his; nevertheless, those who hold them are required to guard them, just as if they had been delivered by doorkeepers. Such castles should be well guarded, because it may happen at any time that those from whom the king obtained them may take measures to recover them, and therefore whoever loses them through his own fault, when he was able to keep them, is liable to the penalty of treason.

The fourth way which applies to castles that must be received by order of the king, is such as he bestows upon persons to be inherited, and in which he has the right to be welcomed and given possession of, at certain appointed times, in recognition of sovereignty, according to the ancient *fuero* of Spain.

Castles of this kind the king can order to be received without the agency of a doorkeeper, or with it as he desires. Possession of this description is called *potestad* in some countries, and it is delivered in this way, namely; he who holds the castle should withdraw all his retinue; receive the followers of the king into the fortress, and raise his banner upon its highest tower; and the king's herald must publicly proclaim that this place is part of the royal possessions, and the king's followers should remain there as many days as were mentioned in the document drawn up when the castle was given and can make use of whatever they find there, not doing any harm, but controlling themselves, and if they do not find there what they need the lord of the castle must pay the expenses they incur. Wherefore, whoever is not willing to confer power upon the king in the castle which he has received in this way from him, is guilty of treason, because he deprives his lord of what he granted him, by employing in rebellion what is a part of the sovereignty of his master; for which reason if the king can seize him in his castle he may lawfully put him to death, if he desires to do so; and, if not, he should be deprived of the place forever, excepting where the king desires to show him such leniency as to decline to take it from him. This, however, is a matter of favor, rather than a matter of justice, but if it is done, the other party must defray all the costs and expenses which the king incurred on this account; for the ancients did not consider it right that he should not suffer any penalty for the rebellion of which he was guilty, even though the king was willing to be merciful to him. However, before the king deprives him of the castle, or proceeds against him in any of the ways aforesaid, he must notify him three times. First, he must send to him his messenger, or his letter, with the advice of the Court, directing him to appear and make reparation. Second, if he, himself, should come, he should make this demand upon him by his council. Third, if he absolutely refuses to come, he should cause him to be charged with a criminal offence, and challenged to appear for the periods of nine days, three days, and one day; and if he does not come in the time included in all these periods the king should inflict the above mentioned penalty upon him; but if he should appear before the time of the challenge has elapsed, and petition as a favor from the king that he give him time to consider how he can make amends for what he has done, he should allow him thirty days; first requiring from him sureties and homage, or some other security, the best that he can give, that he will not provision the castle, or do anything else by which he can the better defend himself. If, however, the king should learn that he was asking for this time for the purpose of fraud, or after he has granted it to him he should do something contrary to what he had promised; from that time forth the king would have no reason to wait any longer or to fail to proceed against him as has been already stated.

#### LAW V.

##### **For What Reasons Those Who Are to Receive Castles, Can Send Others to Accept Them in Their Stead.**

The ancient people of Spain practised four things, and they deemed it reasonable that, because of any one of them, those who were to receive castles might send others to accept them in their stead. The first was when the king desired to give the castle to anyone who had not attained his majority, and conferred this dignity on account of the merits of his father, or those of his family, or on account of the favor which he desired to show him personally. The second was, when he who was to receive it was so ill that he could not be present. Third, where he was an enemy, so that he could not go and

receive it without danger of death. Fourth, when he was accused, or challenged for something on account of which he himself was compelled to appear and publicly defend himself. For any one of these reasons he who was to receive the castle could send another to accept it for him. However, he who was to receive it had to be careful to send someone in his stead who was able and knew how to perform all those acts for the protection of the castle which he was bound to do and observe, for if he did not send a man of this kind, and the castle should be lost, he would, on that account, be liable to the penalty of treason.

#### LAW VI.

##### **What Kind of Men the Governors of Castles Should Be, and How They Should Exert Themselves for Their Protection.**

To hold a castle of a lord, according to the ancient fuero of Spain, is something which involves very great danger, for since he who holds it must incur the penalty of treason if it is lost through his fault because it is considered a crime equal to the death of a lord, those who hold castles must be very diligent in guarding them in order not to be guilty of treason. Wherefore, since in the preceding laws we stated how castles should be received, and by whom, we desire to state further, how they should be protected, and in what way; and in order that this protection may be perfectly accomplished, five things should be carefully considered. First, that the governors be persons who are qualified for the defence of the castle; second, that they themselves perform their duty in guarding them; third, that a sufficient number of men be kept there; fourth, that a sufficient supply of food be provided; fifth, that a sufficient supply of arms be obtained. We desire to show how each one of these things should be done, for which reason we declare that every governor who holds a castle of a lord, should be of good lineage both by his father's and his mother's side, for if he is, he will always be ashamed to do anything with the castle which will discredit him, or on account of which he, or those descended from him, may be reviled. He should moreover, be loyal, in order that he may constantly be on his guard to prevent the king or the kingdom from being deprived of the castle which he holds. He must also be valiant, that he may not hesitate to face the dangers which threaten the castle. And it is proper that he should be prudent, that he may know how to act and to arrange matters which are proper for the protection and defence of the castle. Moreover, he should not be very parsimonious, in order that men may be the more willing to remain with him. It would also be equally detrimental if he were wasteful of those things which are necessary for the protection of the castle, and it would be equally so, if he were unwilling to divide what he had with his men, when they have need of it. Nor should he be very poor, so that he might be desirous of enriching himself with that which was furnished him to enable him to hold the castle.

In addition to all this, he should be very diligent in thoroughly protecting the castle which he holds, and not leave it in time of danger, and if it should be besieged, or attacked by the enemy, he must defend it until death. Nor should he surrender the castle, or order it to be surrendered, even though his wife, his sons, or any other persons whom he loved, should be tortured, wounded, or killed, or if he himself were taken prisoner, tortured, or mortally wounded, or threatened with death, or for any other inducement of evil or good which could be offered him, or held out to him by means of promises; or if he did do so he would incur the penalty of treason, like one who betrays his lord's castle.

**LAW VII.**

**What Kind of a Man the Deputy Governor Should Be, Who Is Appointed by the Governor, When He Goes Anywhere, and What Are the Duties of Him and Those Who Remain There with Him.**

A governor cannot sometimes avoid leaving the castle which he holds and going to some other place, on account of many contingencies which may occur; he should, however, not do this at a time when he thinks the castle might be lost. But when, as already stated, he is compelled to go, he should, according to the fuero of Spain, leave some one in his stead as governor, who is nobly born on the side of both father and mother, and who has never committed treason, or been guilty of perfidy, or is descended from a family which has been guilty of either. He should also be a man connected with him by relationship, or to whom he is greatly attached, so that he may have good reason to entrust the castle to him, even as he would to himself. He can leave a man of this kind in his place, and give him the keys of the castle, and cause all persons there to swear fealty to him, just as they had done to himself, that they will defend the castle well and loyally, under all circumstances until he returns. He should moreover, order him whom he leaves in his stead, if he should happen, in any way, to lose his life, or be taken prisoner, to surrender the castle to his lord, whenever he commands him to do so, just as he himself was bound to do; and to perform all the duties relating to the preservation and defence of the castle, in the same manner as he himself should perform them. He ought also to require him to swear that he will do all these things, and observe them, under penalty of treason. If the governor should see him whom he left in his place taken prisoner or wounded, he should, nevertheless, not surrender the castle to the enemy, even if he had ordered his deputy to do so, nor should he order him to do this himself, while he was in the power of the enemy; for, if he did, he would be guilty of the same treason as one who sold his lord's castle, and should undergo the same penalty. And although he should be always ready to surrender the castle to the governor, who left him in his place, whenever he demands it of him, yet he should not do this at a time when it might be lost; for as he who appointed him in his stead was bound to surrender the castle to his lord, so is he required to do likewise.

The loyal people of Spain considered the deprivation of the lord of his property to be a matter of such importance, that they not only forbade the governor who held the castle to surrender it by the order of the other who was outside, but also, where both of them had agreed to surrender it, that the others who were in the castle should not permit this to be done, under any circumstances; for although those who are in the castle are bound to obey the governor in everything, they should not do so in a matter of this kind, since they would thereby incur the penalty of treason.

**LAW VIII.**

**In What Way a Governor Should Be Appointed, When He Who Holds the Castle, Dies Speechless.**

Where there is a governor in the castle, and he dies without being able to speak, so that he cannot appoint another, his place should be taken by his nearest relative in the castle, if he is of age, and a man fit for the position. Where such a person cannot be found, the best man in the castle should be appointed governor for the purpose of holding it; but always great care should be taken that he is loyal and friendly to the lord of the castle. A governor of this kind is bound to do, observe, and accomplish, for the protection of the

castle, all the things above mentioned, and if he fails in any of them he will incur the penalty aforesaid. It was also inserted in the ancient fuero of Spain that if anyone who had been governor before the castle was taken, should commit an act through which the lord of the castle might lose it, or should consent that another should do so; since he was familiar with the entrances and exits and the other means by which the castle might be lost, and gave directions by which this could be done; it was deemed proper for this reason that he should incur the penalty of treason, just as if he had been governor at the time.

#### **LAW IX.**

##### **A Governor Should Keep in the Castle Men in Sufficient Numbers and of Such Character As to Be Able Properly to Defend It.**

A governor ought to keep in the castle knights and squires, cross-bowmen and other armed men, in such numbers as he thinks is proper, or in compliance with the agreement between him and the lord of whom he holds the castle, and he should be certain, where they are men of rank, that none of them have committed an act of treason or perfidy, or are descended from a line of traitors. He should place them in authority over the other men in the castle, in order that they may defend it in such a way that he can fulfil his duty in regard to it. The governors should be careful that the cross-bowmen, who are men very effective in the guard and defence of a castle, should be such as thoroughly understand their business, and that some of them know how to make and repair cross-bows and are familiar with all other things relating to archery. They should also see that the other men who are there are well known and will be valiant in the assistance and defence of the castle, whenever it becomes necessary, and if the governor should ascertain that any of them had committed treason, or was descended from men who had done so, he should not retain him in the castle. It is also necessary that the governor be as vigilant as he can, in seeing that the guard, the night-sentinels, who are called mountain pickets, the sentries who patrol the walls of the castle outside, the watchmen stationed on the tower by day, and the night scouts, should be loyal, and he should treat them well, and not fail to provide them with what they ought to have. He should change them frequently, so that they may not remain all the time in one place; and him whom he finds does not perform his duty properly in the position to which he assigned him, he should put to death, as he would a man who attempts to commit treason. The ancients were accustomed to throw those over a precipice whom they found sleeping when they should watch, after they had awakened them three times, and had warned them not to do so. A governor who does not carefully select proper men for the defence of the castle, will, on this account, incur the penalty of treason, because he will be to blame for not doing what it was his duty to do for the protection of the place.

#### **LAW X.**

##### **In What Way Castles Should Be Furnished with Provisions and with All Other Things Which are Necessary.**

Food is something without which men cannot live; it is necessary that they have it continually, and if they cannot do without it elsewhere, much less are they able to do so in castles where they are, as it were, shut up and guarded, so that they cannot go out anywhere without the order of the governor; and, moreover, it might happen that even if he commands them to go

forth, they are powerless to do so, through being besieged or constantly attacked by the enemy. For this reason it is necessary for him always to keep the castle furnished with provisions and especially with water, which can be less dispensed with than other things, and if there is a supply of it, that he may know how to preserve it, and use it in moderation so that it may not fail. Search must be made, and everything else that is possible be done, in order to have water; for as a castle cannot be defended without men, so they cannot exist or protect it, if they do not have the means of sustenance; therefore the first thing that should be provided is water, for not only is it needed to drink, but for many other purposes which are indispensable, and since, from the lack of it rather than the want of anything else, they may more quickly perish, great care should be taken that it does not fail; for, although water is very common and cheap, among men nothing is more dear when it cannot be obtained, for which reason it should be well guarded. Moreover, bread should be provided, and of such a kind as is understood will keep best in the climate of the country. The same precaution should be taken with regard to meat and fish, nor should salt, oil, vegetables, or other things which are very useful for the provisioning of the castle, be forgotten. Care should also be taken to provide mills or hand-mills, charcoal, wood, and all those other articles called utensils, without which provisions cannot easily be made use of, even although they are supplied; and men's clothing and shoes should also be included, because they are things which cannot be dispensed with, since they assist them to live and to make a more creditable appearance. It is better for the castle to be provided with what we have specified before it becomes necessary to use haste, wherefore everything which is furnished the governor for the use of the castle, should be deposited in it, not only what we have mentioned, but also all other articles which are necessary. For, if he should act otherwise and the castle be lost through the want of any of these things, he will incur the penalty of treason, as one who had the means to defend the castle of his lord, and did not avail himself of them, for which reason it was lost.

## LAW XI.

### How Castles Should Be Provided with Arms.

In order that castles may be guarded and protected whenever it is necessary, they should be well supplied with arms. For, although they may be furnished with men and with provisions, if they are not provided with arms, all else will be as nothing, for by means of them men must protect themselves. In addition to all the weapons which the lord leaves in his arsenal, the governor should always have his own, in order to show that he desires to protect his loyalty, and he should also keep there everything necessary to make and repair said arms, so that they may be used when required; for a weapon which a man cannot make use of, is rather a hindrance to him, than an advantage. And, above all, care should be taken, that the people in the castle do not steal or reduce them in number in anyway, so that they may be available when needed; and those who do so should be severely punished. For if he who steals what belongs to another deserves exemplary punishment for the reason that he causes his property to be diminished, how much more does he deserve it who steals that by means of which he causes the loyalty of another to be diminished, and him to incur the penalty of treason.

Wherefore all the arms in the castle, those belonging to the lord as well as those in possession of the governor, should be well guarded, not only to prevent them from being stolen, or disposed of as we have mentioned, but also to avoid their being injured or destroyed, excepting such as may be lost in the

protection and defense of the castle. This should not, however, be done by way of contempt, and by neglecting them, or by making use of them in such a way as will not be for their benefit or protection, or for that of those of the place. Wherefore, a governor who does not keep the castle provided with arms in this way, or makes an ill use of those which he has there by which conduct the castle may be lost, will, on this account, incur the penalty of treason; and although it may not be lost, he should pay double the value of all the arms which are destroyed through his fault.

## LAW XII.

### **How Castles Should Be Defended and Protected with Valor and Intrepidity.**

The ancient people of Spain well knew how to preserve their loyalty by paying careful attention to all those matters by which castles may be better defended, so that their lords might not lose them; and after careful investigation of all by which this might be more thoroughly accomplished, they ordained that those who occupied the castles should do two things; first, they should defend them with valor and intrepidity; second, they should do this with wisdom and prudence; and by their acting with valor and intrepidity was meant that they should defend the castle with great boldness, wounding and killing the enemy as vigorously as they could, so as not to permit him to approach it. In doing this, they should not spare father or son, or any lord whom they formerly acknowledged, or any other man in the world who was on the other side, and wished to make them lose the castle; for, it would be very unjust and contrary to law to protect a man who is a traitor. They should, moreover, have the resolution to endure all fears and hardships which may come upon them, not only from watching, but also from the thirst, hunger, and cold, to which they are exposed; for since they must not surrender the castle except to their lord, it is necessary that they derive courage from themselves, in order to be able to do this, and not by their own fault commit treason. Wherefore they should not fear death, or any other danger which can be borne, so much as an evil reputation, which is something that will always attach to them and their descendants, if they should not do their duty in defending the castle. For which reason the ancients deemed it proper that when a governor saw military engines in course of preparation, or mines opened, or any other way of reducing castles begun, he should explain these things to those who are present, so that they may not be dismayed. For although it is a natural thing, for men to fear death, yet, since they are aware that they must endure it, they should rather wish to die while acting in a loyal and lawful manner, and give persons reason to praise them after death much more than when they were living; leave a glorious name as well as a good reputation to their descendants, and have a way opened by which the lords with whom they lived would be obliged to confer benefits and honors upon them, and always confide in them; than to exhibit downright cowardice, on which account they will be considered wicked, and be liable to undergo a traitor's death, or, if they escape this, will be despised and dishonored and render their descendants infamous forever.

For this reason the ancients always placed eminent men in charge of castles, who could clearly show and know how to explain these matters to those who were there, so that they might have courage to behave properly, and be able to avoid incurring the penalty of treason. This should be done in the morning, when all are assembled, before they are scattered, and while fasting, neither having eaten nor drunk, and they should exhort them not to be gamblers, or robbers, or quarrelsome persons, or interfere with one another, that they



may not be embroiled with or oppose the governor; and when it is not certainly known that anyone is meditating treason, or any other wicked act by which injury may result to the castle; this should, nevertheless, be established in such a way that it can be proved upon the culprit, or evidence given by which it must be believed. Governors, more than other men, are obliged to do this.

### LAW XIII.

#### Prudence and Wisdom are Necessary for the Defense of Castles.

Men must have great wisdom and prudence in order to defend castles, for, although valor and intrepidity are very noble qualities in themselves, yet, in most instances, they should be assisted by intelligence and prudence, in order that the means which men desire to employ to enable them to conquer, may not cause them to be vanquished. And, although this is very necessary in all warlike operations it is especially requisite for those whose duty it is to defend castles from the enemy, as they are more frequently taken by skill and artifice than by force. The besieged can manifest such boldness in attacking the beseigers that if they do not act with sufficient wisdom and intelligence for the castle to remain in safety, it will be lost. On this account it was decreed in Spain that, after a castle had been invested, no one should open the gate in order to make a sally, without the order of the governor; for if anyone did so, and the castle were lost on this account, he would be considered a traitor, and should be put to death in the most cruel manner in which it could be inflicted, and should forfeit half his possessions. Even if the castle were not lost, he should lose his life for the reason that he disobeyed the order of the governor, at a dangerous time; but they deemed it proper that, so far as the governor was concerned, he should not himself attempt such a proceeding, for if he did, even though he were killed or taken, he would not be exculpated from treason, if at that time the castle were lost; because since it was given to him to defend, he should not leave it without the command of the king, or of the other lord of whom he held it. The order must be positive, so that he can prove it by credible witnesses. Moreover, those charged with the defence of castles should be endowed with prudence, in order to provide arms, stones, and other articles necessary for their protection, so that they may not be obliged to tear down walls, towers, or anything else to defend themselves, for, if they do so, and the castle is lost, they should not escape the penalty aforesaid. They should also take good care of the arms, so that they may not be destroyed, except when this is necessary, as above stated.

### LAW XIV.

#### In What Way the Governor of a Castle Should Make Use of His Knowledge.

The governor should be ingenious, for the reason that this is something very advantageous to him in the defence of his castle, for it is certainly just that a man should make use of all his mental resources in the protection of a place which depends upon his loyalty. Wherefore, if he knows how to employ stratagems, or any other expedients by means of which he can defend the castle which he holds, he should keep his knowledge in practice, not only in time of war but also in peace, in order that he may be able to have recourse to it when it is needed. He should not estimate himself too highly, or be ashamed to use his skill, for it would be much better for him if the castle were lost through want of his own exertion, or of the labor which he can perform with his hands, than to incur the penalty of treason; and we further decree,

that if he is not experienced in such matters, he should be notified to have men with him who are so, in order to oppose the military engines of the enemy, or make use of those which he has caused to be constructed inside the fortifications, if it should become necessary. Moreover, the governor, as well as the men whom he has with him in the castle, should be prudent and wise enough to be able to conceal the losses which they suffer, or the injury which they sustain from the besiegers, so that they may strengthen themselves, and the enemy may not have occasion to press upon them, or learn their ill-fortune. Those who act in this manner preserve the loyalty which they are bound to keep, and, moreover, perform deeds for which they should receive honor and distinction from their lords.

#### LAW XV.

##### **In What Way Castles Should Be Strengthened by Repairing Them.**

Intelligence and prudence are two things which greatly assist men in preserving their loyalty, for intelligence gives them wisdom to show it, and prudence enables them to guard it. Wherefore the ancient Spaniards, who possessed these two qualities, paid especial attention to that by means of which their lord was protected from loss, themselves from evil fortune, and the kingdom from injury. And by careful consideration of this subject, it did not appear to them that providing castles with men, arms, and the other supplies which we mentioned in the preceding laws, was sufficient to defend them perfectly, but they also held that assistance should be furnished in time of war, when they were known to be besieged or attacked. This assistance should be given in two ways; first, by labor; second, through affording succor by means of men, and other things which castles have need of. The first, which relates to labor, should be performed in this way, namely; where any structure has been overthrown, or has recently fallen down in a castle, the men who are there should render assistance, as soon as possible, by making repairs, in order that the castle may not be lost for that reason. And, although this work ought to be performed in time of peace, nevertheless, if the lord did not do it through lack of prudence, or on account of great obstacles by which he was impeded, those who hold the castles should immediately give their aid in repairing them, whenever they think it necessary; and they cannot avoid affording assistance in this matter, in every way possible, on account of their descent, or of any quality which they possess, for loyalty is more precious than lineage, or any other attribute which can exist. Hence where anyone refuses to act, and the castle is lost on this account, he will incur the penalty of treason, which he cannot escape in any way whatever.

#### LAW XVI.

##### **In What Way Governors Should, in Time of War, Go to the Assistance of Castles Which They Hold of the King.**

Governors should go to the assistance of castles which they hold of the king, in time of war, and other danger, if they do not happen to be there, and had gone elsewhere; for all other matters ought to be postponed and set aside in order to maintain one's loyalty. On this account, as soon as they are notified, they should start with men, arms, provisions, and everything else which they think they will require, in order that they may not leave those in the castles forsaken, to be lost through hunger, or some other privation. If, however, any governor should learn that on account of the transportation of

supplies, he might be delayed and the castle be in danger of being lost, then everything else should be abandoned, and he must go to its rescue as quickly as he can.

Where he holds more than one castle, he should first go to the assistance of that which needs it the most; but if it happens that all of them are exposed to the same peril, he should first go to the aid of the one from which the greatest injury will result, in case it is lost. When he has a sufficient number of men with him to assure the safety of the castle, and can engage in battle with those who are besieging it, he should do so; but, if not, he should endeavor, in every possible manner, to enter it either by night, or by day, in order to maintain his loyalty, and be able to surrender the castle to his lord. And if, while going to its assistance in any of these ways, he should be killed or taken prisoner, even though the castle should be lost, he will not incur the penalty of treason, since he performed his duty in hastening to its aid, and by leaving a governor there, as well as in all the other matters which have been mentioned; but if he did not thus go to its rescue, and the castle should be lost through his failure to do what we have stated, he will incur thereby the penalty of treason, as one who loses his lord's castle through his own fault.

#### **LAW XVII.**

##### **The People Should Go to the Assistance of Castles, When They Are Besieged and Attacked by the Enemy.**

Assistance ought to be rendered to castles, not only by the governors who hold them but also by others in the kingdom who are aware of their danger, and are in a position to do so. This should be done for three reasons, which we have stated in the third law preceding this one, and when they neglect this, they will commit a serious act of treason, and a great mistake; just as one who was able to prevent his lord from being deprived of his property, and refused to do so.

The ancients attached still greater importance to the loss of the lord's property, for they ordained that if the enemy should take any stronghold which was not a castle, in order to inhabit it or make war by means of it, the people should immediately repair to its assistance, and prevent them, as far as possible, from accomplishing this. And, although those that do not act in this way would not be liable to the penalty of treason, as they would in the case of the castle; nevertheless, the offence would be so great that they would incur great blame, for which they could not be excused; as the place which the enemy was occupying might be so strong that by means of it the entire country, or a great portion of the same would be lost, and the king be deprived of a part of his dominions: or the power which occupied it might be so great, that through it the king might run the risk of death, imprisonment, or some other serious dishonor; for, when plans are fully matured for the commission of injury, men cannot impose restraints upon its coming and therefore those who can prevent such a thing and are unwilling to do so, deserve severe punishment. The ancients, however, did not impose a definite penalty upon them, but deemed it proper that the king should impose one, with the advice of his council.

#### **LAW XVIII.**

##### **In What Way Castles Should Be Surrendered to Those Lords to Whom They Belong, in Order for Men to Maintain Their Loyalty.**

We have mentioned in the laws preceding this one, the three ways in which castles should be received, protected, and defended, as was formerly

decreed in Spain; and we now desire to show how it was decided they should be surrendered to their lords. This is done in two ways, namely; first, when the lords themselves demand them; second, when those who hold them surrender them at their own instance, even though they were not demanded of them. Wherefore, we state concerning the first, that whenever the king wishes to demand his castle of the vassal who holds it of him, he should send him his messenger or his letter, ordering him to repair to him; and he should come at once, as soon as he receives the order, without any delay in complying with it. He who does not do so cannot escape the penalty of treason, except in two cases; first, when the castle is in danger of being lost; second, when the governor himself is a prisoner, ill, or wounded, so that he is unable to come.

Spaniards attached so much importance to the case relating to the castles, that they held that for no other reason those who hold them would be excused; but that they should risk everything to be able to surrender the castles to their lords, as they considered it was much better to suffer death while going to surrender them, than to incur the penalty of treason by refusing to do so. But if, through negligence, the king should happen to send an order, in any way whatever, for the castle to be given up before he arrived, it was considered proper that this should not be done under any circumstances, in order to guard against the danger which might occur through the treachery of a messenger, or the forgery of a letter; but, when the governor is in the royal presence, if the king demands the castle of him, the former can ask for a doorkeeper to whom he may surrender it. After the king has appointed one, he who holds the castle must ask him if, when he surrenders it to him he will be paid by the doorkeeper, mentioning his name: and after the king answers that he will, the governor should call upon those present to witness this, and should then go with the doorkeeper and deliver to him the castle, so that he can receive it without any restrictions, and give him that to which he is entitled. This doorkeeper, however, should not receive it, until the governor who is to be placed in charge of the castle or he to whom he is to surrender it is present, so that he may receive it through him.

When the governor surrenders the castle to the doorkeeper, he should deliver with it all the arms in the king's armory, as well as the others which he ordered to be bought, or the money which he had given him for that purpose, if he has not already purchased them. We decree he must make the same transfer of all the other property which should be surrendered with the castle, that alone being excepted which was destroyed while defending it; for the king should not demand this but ought rather to pay for it, and make up what the governor had expended on his own account, through the lack of what the king should have provided for that purpose. For, as the king has a right to complain of him because of any injury or waste which he committed in the castle, and cause him to remedy it, and pay for it; so, on the other hand, he should be grateful for the good which he did there, and pay him for it, and reimburse him for what he had expended out of his own property: and he should also honor him, and bestow a special compensation on him on this account: wherefore whoever does not surrender the castle to his lord in the way which we have mentioned, when it is demanded of him, will commit an act of treason, just as he who rises in rebellion while occupying the castle of his lord, which was considered a crime as serious as compassing his death. The people of Spain also established and anticipated this in their challenges, so that when anyone accuses another of treason, he should first say: "Like one who betrays a castle, and kills his lord:" and they made this regulation through fear that, being deprived of the castle, he might be killed and lose everything he had, and receive great personal dishonor.

**LAW XIX.****For What Reasons a Governor Does Not Do Wrong in Not Surrendering a Castle at the Command of His Lord, Although He May Have Received a Doorkeeper from the King.**

Although we have mentioned in the preceding law that where a castle is not surrendered to the lord, when he demands it, one of the greatest of treasonable acts is committed, there are however, two instances in which he who does so does not become guilty of treason; but the ancient people of Spain, considered that he rather made an exhibition of his loyalty. One of these is, when someone brings, with treasonable intent, a false message or letter, as stated in the preceding law, to him who holds the castle, ordering him to surrender it to him. The second is, where he who holds the castle, learning that the party who is to receive it, has so few followers, that he would be unable to protect it by means of them, and that the castle might be lost for that reason; and the better to preserve his loyalty, it is deemed proper that he should not surrender it at a dangerous time when the castle might be lost, even though the king had ordered it to be surrendered, as above stated, unless he had been acquainted with this fact before sending him. It was, however, not considered advisable that this should be accomplished by means of the verbal communication of him who held the castle, or by that of the doorkeeper who was to receive it, because it might be that both were in collusion; but he who holds the castle should summon certain good men, as witnesses, and explain to them the reason why he did not surrender it, and communicate the fact to the king in writing. And if, after this, the king should send him his letter a second time, and command him to surrender it he must obey the order without hesitation; as, from that time forward, whatever might happen to the castle he would not be to blame for giving it up, since he informed his lord and the latter deemed it proper that he should surrender it at all hazards.

**LAW XX.****How Governors Should Summon Castles, When the Lords Are to Blame by Refusing to Receive Them.**

There is a second way of surrendering a castle—even though the lord does not demand it—which was established in former times in Spain, as we have mentioned in the third law before this one, and that is when it is summoned. Because this is, as it were, an abandonment of it, the ancients devised a way, by means of which the lords would not be deprived of their castles, nor those who abandon them be liable to blame or punishment, for which reason they deemed it proper that those who held them, could summon them. These summonses may be instituted for four reasons; two of which are due to the fault of the lord, and the other two to the fault of the vassal. Those due to the fault of the lord are the following, namely; first, when he is unwilling to receive the castle from him who holds it, knowing positively that he cannot keep it, for this would be the greatest injury which a lord could inflict upon a vassal, when he opens the way for him to do something for which he may be guilty of treason; and therefore they deemed it proper that the vassal, when he became aware of this, might have the power of summoning the castle of his lord.

The second reason is where the lord is not willing to allow him, for the maintenance of the castle, what is deposited therein, wishing to compel him to use his own property for that purpose. This is something which ill becomes a lord, when he desires, by a fraud of this kind, to cause a vassal to

lose his property, and for this reason also it was deemed advisable that the vassal should summon the castle of his lord. And because the first reason, namely, that he could not hold the castle, is one implying more danger than the other, on this account it was deemed just that the summons should be more urgent; and it was determined that it should be made by him who held the castle going to the king, and telling him in secret that he would not be able to hold it under any circumstances, giving him lawful and proper reasons why he could not do so. And then, if he should not send to receive the castle, the other party should make his statement a second time, just as he did the first, before some of those whom he knows to be of the highest rank of the Council. And if, notwithstanding all this, the king should still not be willing to appoint anyone to receive the castle, he should make his statement the third time, to the court, in the presence of the greatest number of persons of the highest rank that can be found there, as witnesses, and ask the king, as a favor, before them, to issue orders for the castle to be received, giving the above-mentioned reasons for which he is unable to hold it. And if, even after all this, he refuses to direct the castle to be received, he can summon him peremptorily to order this to be done within nine days. When he is ill, or any other impediment exists, on account of which he may not be able to come and make his announcement, if he formally sends some one of noble birth who may make these statements in his stead, they will be as valid as if he himself had made them.

#### **LAW XXI.**

##### **What the Governor Should Do After He Has Summoned the Castle.**

When the governor has summoned the king to receive the castle, as stated in the preceding law, and the latter does not immediately appoint some one to receive it, or send to take charge of it within nine days, he who holds it should remain until the third day after this time; and then if the king does not despatch some one to receive it, he should summon reliable men—knights and members of religious orders, and the best workmen in the castle, if there are any there, and, if not, such others as he can find in places near at hand—and explain to them how the matter stands with his lord in regard to this castle, and also show them what he leaves in it, among those things furnished him for its defence which have not been used, as we have stated in preceding laws, and also what property of his own he abandons there. And where it happens that nothing else remains in the castle, he should, at least, leave there, a dog, a cat, a cock, a sieve, a bread bowl, an earthen pot, and some other household utensils, in order to show that he had always kept the castle furnished with provisions, and that everything else had been exhausted in its defence except these particular things which remain there. This, however, should be done faithfully and without fraud. After he has done this, he should cause all his retinue to withdraw before him and he should depart the last of all, lock the castle gates with his key in the presence of the witnesses whom we have mentioned and give the key to the king, if he is near at hand and in a place where he can safely do so: for this is a token representing the castle, which he would have surrendered if the king had been willing to receive it from him. If he cannot do this, fearing that the key may be taken from him on the way and the castle thereby be lost, he should state this to those who are present, and throw the key over the wall, inside the castle, in the presence of all. And after all this has been accomplished, if there is a town near the castle, he should cause the bells to be rung, and the council assembled, and explain to them how he left the castle, and for what reasons. And where there is no town near at hand, he should do this in two or three places which are inhabited, of those

situated nearest to the castle, and in which there is a church or council, in order that men may know why the castle was abandoned, and that they may consult together before their lord loses it. When a castle is summoned in this manner, and all these acts are performed as above stated, notwithstanding the castle may be afterwards lost, he who held it will not be liable to any penalty, because the lord, and not he, was to blame.

#### **LAW XXII.**

##### **The Governor Should Summon the Castle, Where the Lord Is Unwilling to Provide Him With What He Should in Order to Hold It.**

Where the lord delays giving to the vassal what he should to enable him to hold the castle, not wishing to do so in order to compel him to use his own property for that purpose, as stated in the preceding law; he can summon the castle and abandon it, in the same manner we have stated the other could do, with the exception, however, that the summons should be of longer duration; for the reason that the danger is not so great in this case as it is in the other, inasmuch as there is less property lost than loyalty. On this account the governor should first state to the king, in secret, that he cannot hold the castle, giving lawful reasons why, as we have stated of the other, and requesting as a favor that he may order it to be received. And if, the first time, the king is unwilling to order this to be done, he should make these statements on some other day in the presence of the Council, in the same manner. And if, even then, he is unwilling to order it to be received, he should summon the castle on the third day in the presence of the court. After this he should state these matters to him, once a day, for nine days, and if, then, he refuses to appoint anyone to receive it, he should summon it for the space of thirty days. If, at the expiration of thirty days, the king does not appoint or send anyone to receive it, he should afterwards hold the castle for nine days and until the third day after that period, and when all these terms have elapsed, he should surrender the castle to him in the same way as we have stated the other should do.

#### **LAW XXIII.**

##### **What Proceedings Should Be Taken When Governors Summon Castles in a Way They Should Not Do.**

A lord is very much to blame when he treats his vassal in such a way that he is obliged to summon the castle which he holds of him, in the two different ways which we have mentioned in the preceding laws. But there are two other ways in which vassals sometimes proceed against their lords, which the ancients considered involved more than blame, since one of them is plainly designated perfidy, and the other open treason. And he is undoubtedly guilty of a great breach of trust who wishes to relinquish the castle to his lord while he is well able to hold it, when he wishes to obtain something from him, by giving him to understand that no one else will hold it as well as he does, and exaggerating his services to such an extent that the king cannot satisfy him, and it does not matter whether this is true or false, provided only he acts with this intention. This, however, has reference solely to a time when there is no danger on account of which the castle might be lost, for then a vassal cannot do this under any circumstances; as, if he should do so, and the castle be lost on that account, he would commit treason for which he should undergo the same punishment as one who causes his lord's castle to be lost. Where, however, this occurs in time of peace, and he desires to relinquish the castle to the king, and though he may do this under the fraudulent conditions above men-

tioned, he has no right to do it, unless he first summons it of him, in the way we mentioned in the preceding law, in the case of one who is entitled to longer periods of time, when he summons a castle: but the other party, who summons it in order that the lord may lose it, is guilty of a very serious offence. This would be the case when he is aware of any reason why the castle may be lost of which the lord is not cognizant. For although he may wish to relinquish it to him with this design, he cannot do so unless he summons it properly, as we have above set forth: and after he has summoned it in this way, he can abandon it to him in the manner which we stated and explained above; and he who does this is nevertheless, a traitor, even though no one may be aware of it, for the reason that he acts with evil design; so, when it becomes known, he should receive the same punishment as one who provides a way for his lord to lose the castle which he held. And, not only he is a traitor on account of losing the castle while he held it, as above stated, but he would also be one where another lost it who held it after him, for the reason that he was guilty of deceit.

#### LAW XXIV.

##### **How Castles Should Be Summoned and Surrendered Which Have Been Given by Way of Security.**

Those who hold castles of a lord, should use every exertion to learn the ways in which they should surrender them when they are demanded of them, or to summon them when they have to abandon them, as we have stated in the preceding laws. However, for the reason that there are other ways which we have not mentioned, we wish to describe them here, and they are two in number. The first relates to castles given by kings to one another as security in consideration of affection, or in compliance with contracts which they promised to observe and keep with each other. The second relates to castles which are conquered by parties living under the king's sovereignty. We decree that castles held as security should be received at the hands of a doorkeeper, and held conformably to the agreements entered into by the kings; they should not, however, be surrendered in this way according to the *fueros* of Spain. For if it happens that the king, whose vassal and relative held the castle, should wrong the other king by not observing the contract which he made with him; and the king who was injured demands that he surrender him the castle according to the contract entered into by them; and he who held it should not deliver it to him, having regard to the vassalship and relationship existing between him and his lord, in order not to deprive him of the castle; but should prefer to give it to his natural lord, although the agreement or contract states the contrary; he should not do so except where his natural lord demands it of him with great vehemence, by speaking ill of him, or causing him to be abused on that account; and this, not once or twice, but the space of nine days, saying to him daily in presence of the court, or in some place where many may hear it, that from that time forward, as long as he holds the castle, he will be a traitor until he surrenders it to him. When the nine days have elapsed he must summon the castle regularly in the manner above-stated, and he should make this summons for three reasons; first, in order to be careful that he surrenders it to his lord in such a manner that he will not be discredited thereby; second, for the reason that he can communicate this to the other king, to whom he is obliged to render homage, that it may not appear that he does it clandestinely, and that he may take advice concerning it; third, in order that he may be able to remove his property in safety, on account of the homage which he has rendered to both kings.



**LAW XXV.****For What Reasons the Ancients Forbade a King to Challenge a Native of His Kingdom.**

When a king wishes to denounce a native of his kingdom, where he does not surrender to him his castle which is held as security, for the space of nine days, as stated in the preceding law, the ancients did not think it proper that he should impeach him by his own mouth, but that he should appoint a knight to do this for him. They acted thus for two reasons; first, in order that the lord might not lose the castle, where he who held it was not willing to surrender it to him through fear of not being clear of the charge of treason, even if he gave it up. Second, on account of the honor of the king, because if he who held the castle should surrender it to his lord, and afterwards request that he make reparation to him for the evil words which he had made use of, it was fitting, according to the strict principles of justice, that he who had spoken to him in this way should assure him that, as he had surrendered it, he was a good and loyal subject; and, since this would be the same as contradicting himself, the ancient people of Spain did not consider it proper that the king should make such a statement. He of whom his natural lord demanded the castle so persistently, should surrender it to him at all hazards, after having summoned it as above stated, explaining, however, that he is greatly aggrieved on account of it; and by acting in this manner no blame can attach to his lord or to the other king, inasmuch as he informed him of it in time. When he is to surrender the castle, he should take with him a doorkeeper to whom he may deliver it, just as when he received it.

**LAW XXVI.****How He Should Act Who Held a Castle as Security, After He Has Surrendered It to His Lord.**

Where he who holds a castle as security surrenders it to his natural lord, as stated in the preceding law, and the other king demands it of him, he must offer a good excuse for his conduct, if he can find one and the matter admits of it. But where it happens that the king who demands it of him, is not satisfied with his explanation, and demands the castle of him so persistently, that he impeaches him on that account, by accusing him himself, or by causing him to be accused of being a traitor, for the reason that he surrendered it to another when he should have surrendered it to him; he should then repair to that king, and explain to him that he did his duty in surrendering the castle to his natural lord, in order that he might not be deprived of his property: and say to him, besides, that in order that he may render him homage, he places himself in his power and at his mercy. By acting in this way he will perform his duty to one king as well as to the other, because no one can with reason speak ill of him.

**LAW XXVII.****He Who Holds a Castle as Security Should Not Surrender It to Another King, Unless His Lord Commands Him to Do So.**

Where a natural lord orders him who holds his castle as security to surrender it to another king with whom he has entered into a contract, the ancients did not approve of this being done unless the castle was regularly summoned, as above stated. And even when all the terms had expired, he should, nevertheless, not surrender it to the other king, but to the doorkeeper of his lord whom he appointed especially for this purpose. He should do this in

order that, if his lord should order him to give the castle to the other king, he may not incur such blame that he could afterwards be impeached because he surrendered it.

#### **LAW XXVIII.**

**How He Who Holds a Castle as Security Should Dispose of It, If He Is Under an Obligation or Relationship or Vassalage to One King, and Not to the Other.**

Where both kings agree to give a castle as security to some party who is under an obligation of relationship or vassalage to one king, and not to the other, and, after this, the one to whom the castle belonged should wrong the other, and violate the agreements which he had with him, and, for this reason, the king who is injured should demand the castle; he who is his vassal or his subject should, nevertheless, not surrender it to him unless he personally notifies the king who owns the castle, in his court, during three intervals comprising thirty days. If he refuses to make reparation at the end of the said terms, he should war upon him on account of this castle until he makes amends for the injury done his lord, or until the castle which he demands of him be delivered up. For he should not relinquish it otherwise since he trusted in him when he was neither a vassal nor his subject; and if he does surrender the castle in any other way he will be guilty of something which will discredit him, and for which he will always be censured.

#### **LAW XXIX.**

**How Those Who Hold Castles as Security Should Act, Where They are Not Vassals or Subjects of Either of the Kings.**

When it happens that those who hold castles by way of security are neither vassals nor subjects of either king, but were selected by agreement of both parties; any such person can surrender the castle which he holds to the king who was wronged; but he should first personally notify both of them, if he can do so, and afterwards summon it from him who has the right to it, for he can then do what we have stated, without incurring censure. We decree, however, that he who is his vassal or his subject cannot do this, even if he declares that he renounces him; for, legally, no one can renounce his lord unless the latter gives him cause for it. Wherefore, those who summon or surrender castles which they hold as security, as stated in this law and preceding ones, will not incur blame for which they can be reasonably censured. Those who act in any other manner, will, on this account, be liable to the punishment of treason, as men who deprive their natural lord of his property or surrender castles in a way that they should not.

#### **LAW XXX.**

**For What Reasons Castles Should Be Taken, According to Law, From Those Who Hold Them.**

Castles conveyed as security concerning which we spoke in the preceding law, should not only be defended by those who hold them, but also by the kings on whose account they are held; for just as they are required to protect and defend them from enemies, so, also, are they bound to protect them from one another; for they should not take them either by fraud or force, or consent that anyone else may do so, and if they do, the fault will be theirs and not that of those who hold them.

There are, however, three reasons for which the ancients held that they could lawfully take them. First, when the kings agreed to remove those who held them and give them to others, and appointed doorkeepers to go to receive them, and eminent men to whom they might deliver them. Wherefore, if those who held the castles at that time should not be willing to give them up, the kings would then have the right to deprive them of them by force, or in any way whatever by stealth, and especially could he do so to whose dominions they belonged; and when they took them in this way they would do right, and those who lost them would be considered traitors for the reason that they were unwilling to surrender them when the demand was made. Such persons should receive the same punishment as those who use castles for rebellion against their lord—where they are bound to surrender them by justice, or according to contract—on account of which they deserve to lose their lives and all their property.

The second reason is, when they say that they will surrender them, and appoint a certain time within which to do so, and meanwhile furnish the castle with men, arms, and provisions, placing there more than they should retain for the protection of the castle and more than the king would give to keep on his premises; and, for a reason of this kind, they would have a right to take the castles from them, since it is evident that they are making preparations to avoid giving them up, or to make war by means of them.

The third reason is, when those who hold castles openly plunder the country of their lord, or commit some other damage there, but not against his enemies if there are any; and afterwards are unwilling to make reparation for this, according as the king determines to be just, for he can then for a reason of this kind take the castles, and cause the parties to surrender their own property to an amount equal to double the damage which they have caused. This is the case because those who held the castles as security should not make any other use of them except to preserve them, in order to discharge their duty towards those who placed them in their charge. However, before they send to have the castles delivered up, they should notify those who hold them to surrender, and make reparation for the injury which they have committed by their means. And if, they should refuse to do this after nine days from that on which they have received notice, from that time forward the king can recover them as above stated.

Hence, for these three reasons the ancients held that the lords of castles given as security could take them from those who held them without any implication of unfairness, but could do so for no other reason. Wherefore, any lord who takes possession of a castle in any other way is guilty of a great act of perfidy, as one who unjustly desires to cause his vassal to commit treason.

#### LAW XXXI.

##### **For What Reasons Kings Can Take Castles, Which They Have Given as Security, From One Another, and How They Should Return Them If They Are to Be Returned.**

Kings can take castles, which they have given as security, from one another, according to the ancient custom of Spain, and this can be done in two ways, and no more. First, when one of them violates the contract which he made with the other, which they had entered into conjointly, and to enforce which they had placed the castles in trustworthy hands; and the injured party calls the other to account for it, requiring him to make explanation in writing, within the terms of thirty, nine, and three days. If, at the end of any of these periods, he should refuse to make reparation, from that time forward the other

can take possession of the said castles in any way whatever, and they will remain his. Second, when such a war arises between them that they are compelled to fight one another openly; for, in an instance of this kind, if one deprives the other of a castle given as security, it will become absolutely his, since the cordiality with which the security was given no longer exists; but where it happens that both kings agree to take the castle from him who held it as security from them, for any of the three reasons stated in the preceding law, the ancients deemed it proper that they should give it immediately to some man to hold for them, who knew how to maintain the rights of both, according to the agreement they had entered into conjointly; and where he, in whose dominions the castle was, takes possession of it, he should, at once, inform the other king of the fact, and order that they may both agree to give it to some person to hold for them as aforesaid: but where it happens that the other, in whose dominions the castle is not situated, takes possession of it, he should not retain it for himself, but should deliver it up immediately to the king to whom it belongs; and both should appoint some certain men to hold it for them in the way we have above stated. All the ancient wise men of Spain agreed on this point, namely, that kings could not deprive one another of castles given as security but which they were not obliged immediately to return, that the contracts entered into between them might be kept, except for the two reasons we mentioned in the beginning of this law: and a king who takes possession of a castle in any other way, in violation of the contract which he had made with the other, is liable to the penalty of deed or word inserted in the contract, and commits a gross impropriety, because a man of this kind will incur the blame of the people as one who is lacking in integrity.

#### LAW XXXII.

##### **How Castles Which Have Been Taken or Obtained by Conquest Should Be Surrendered to the King by His Vassals and His Kinsmen.**

Relationship and vassalage are the principal obligations which a man can incur to his lord, for relationship always induces him to love and not oppose him, and vassalage requires him to serve him loyally. For this reason the ancients of Spain paid much attention to these matters, and directed how kings should be guarded and served by their kinsmen and vassals. They also showed, where both were united, what power each would have of itself. But, although they carefully considered this, explaining how they should guard the king in his life, health, honor, and all the other things which we have mentioned, they held that they should be extremely cautious in matters relating to his land, and the diminution of his authority. Wherefore they considered it just that his kinsmen should not desire any other castle or fortress in his dominions except their own loyalty and truth, or those which the king placed in their hands, or such as they conquered, or built with his consent, or by his command. They did this in order that they might be always on good terms with their lord, by constantly preserving their loyalty and not commit any offence against him by venturing to seize his fortresses.

On the other hand, their lord would not be compelled to use violence towards them, on account of any injury or annoyance he might receive at their hands. Because of this security which they had in their lord, permission was granted that the houses of noblemen should be guarded as castles, since they considered the security of the lord as a castle; and that no one should be so bold to break into them, or use violence against them, relying upon any authority which he possessed, and that whoever dared to do this should be punished according to the nature of his offence, with the approval of the king, or the Council.

For this same reason they ordained that every one of his vassals, even though he were not his kinsman, whenever he conquered a city, castle, or other fortress, or when he obtained it in any other way, should surrender it on account of the sovereignty of the king; and if he did not do so that he should be considered a traitor and be punished in the same manner as one who deprives his lord of his property. If he conquered the castle while he was not a vassal of the king, they deemed it just that he should surrender it to the other lord whose vassal he was; this he must do, however, with the understanding that he would deliver it up to the king; and where he was not certain that he would do so, he himself must surrender it to him: and they made this regulation in order that a kinsman of the king might not deprive him of his lands, and also to enable him to protect his lord from committing an offence against the king, who is a still greater lord. He who acts contrary to this regulation, commits treason, for which he deserves to be punished as aforesaid.

They further decreed that if anyone who was his kinsman or vassal held a castle through inheritance, or by the donation of his lord, by purchase, or by any other title whatsoever, if it were lost by his fault and he should afterwards recover it, and the king should demand it of him, he would be required to surrender it, since he conquered it while he was his vassal and his kinsman. Where, however, before he recovered the castle, being confident that he could retain it, he abandoned the king in order to have an excuse not to surrender the castle to him by reason of vassalage, the ancient sages held that a fraudulent act of this kind would not be valid; and to prevent it, they decreed that when the king ascertained that such a dishonorable deed had been committed, every time he made a demand for such a castle the party would be required to surrender it, even though he was another's vassal; and that he who did not do so should suffer the above named penalty.

Where such a person was his kinsman and not his vassal, even if he recovered a castle of this kind that formerly belonged to him, he would not be required to surrender it; although, according to law, he must give up all the others which he subsequently conquered, on account of the relationship which he held with the king, and if he did not do so, he should undergo the same punishment. Where he is the vassal of one king, and the kinsman of another, and obtains a castle by conquest which belonged to him who was his kinsman, and his lord demands it of him, he should not surrender it to him, or deprive the king, whose kinsman he is, of it in any way, except where he had formally committed some offence against him, for which he could lawfully deprive him of the rights of a subject, and, therefore, whoever violates any of these regulations should suffer the penalty which we have mentioned above.

They still further decreed that where anyone who fraudulently abandoned the king, or was deprived by him of citizenship, was directed or appointed to take charge of a castle or fortress which was part of the dominions or conquests of him whose vassal or subject he was, on account of his leaving him in this way, or of being deprived of his rights of citizenship by him, if he afterwards took the fortress, they directed that it should be surrendered to him, just as if he had been his vassal. They did this in order that loyalty might not be counteracted by fraud, and that no one might abandon his lord, or renounce his allegiance to him, except for great and very just reasons, which he had first stated to him three times in secret, and afterwards, openly, in the presence of his court. If he did this in any other way his act would not be valid, and he would be liable to the penalty aforesaid.

## **TITLE XIX.**

### **How the People Should Act in Protecting the King From His Enemies.**

The protection afforded by the people to the king cannot be complete, unless the injury which he may receive from his enemies is prevented. Wherefore, since in the preceding Title we have stated how the people should protect the personal and real property of the king, of every description whatever; we desire to speak here, of how they should defend him and his kingdom from his enemies. We shall show what hostility is; how many kinds of enemies there are; how the people should protect the king and the country from them; what punishment the inhabitants of the land should receive, who show themselves to be hostile; and how the people should come in an army to defend the king and kingdom, and destroy their enemies; and what punishment those deserve who do not do this.

### **LAW I.**

#### **What Hostility Is, and How Many Kinds of Enemies There Are.**

Hostility is a grudge, or the ill-will which a man entertains towards his enemies on account of some dishonor or wrong which they have done to him, or to his people; as we explain in the Seventh Partida of this book in the laws treating of the significance of words. There are two kinds of enemies, domestic and foreign. Those who are domestic are such as dwell or constantly live in the country; and these are more harmful than those outside, because they belong to one's own house, as it were, and no man can easily protect himself from them as they assume the appearance of friendship, and at times are the cause of great evils and damage to those whom they dislike. For this reason a wise man said that no pestilence has greater power to injure man than a domestic enemy, because he is familiar with all his acts, and can more easily place obstacles in his way. Foreign enemies are those that openly make war against the king.

### **LAW II.**

#### **How the People Should Protect the King and All His Vassals From His Enemies.**

We have stated above that the people should protect the king and all those who are his vassals and natives of his country, in three ways. First, they should protect him himself; second, themselves; and we have explained how these two things should be done, according to the ancient *fueros* of Spain. We now desire to speak of the third way, which refers to enemies, for—so far as his own protection is concerned, that is, in preventing him from doing anything unbecoming or which may cause injury to himself; or the protection which they afford him against themselves, by not committing any act which may harm him—all this will not be sufficient, if they do not defend him from his enemies, for the reason that this kind of protection includes everything else. This is the case because if, at times, he should be guilty of error, by doing something improper which may result in his shame or injury, it can be very easily righted and remedied, and where the people are guilty of any improper conduct towards him, he can punish, or endure, or pardon it, if he so desires, because the lord and his vassals are, as it were, one person. But the evil or injury which the king sustains from his enemies through neglect of protection by his people, is worse than the others, and more injurious and disgraceful; first because it is better known; second, because it is inflicted with greater sever-

ity; and, in addition to all this, another very injurious thing would take place, for they and the country which they inhabit will obtain forever an evil reputation, which would be as bad, or worse than death; as, on the one hand, their lord would be dishonored, and they would become degraded, unfortunate, and lost by permitting his enemies to obtain possession of, and be enriched by, his property.

For this reason Spaniards, anxious for the preservation of their loyalty and desirous of avoiding this disgrace, considered it proper, and decreed that all should be very zealous in the defence of their king, for by protecting him they protect themselves in the country where they live. This should be accomplished in four ways. First, they should constantly protect his person; and the other three relate to certain times, as for instance, when armies are on foot. The first applies when anyone rebels in the dominions of the king; the second, when enemies invade it; the third, when the king invades the country of his enemies. Vassals should constantly guard their king, and not permit anyone to come into his presence, who is his known enemy, and by whom it may be suspected that he can, in any way, be injured. And, although some persons are especially appointed to defend his person, as above stated, nevertheless, others are not excused from protecting him, each according to his station, as far as they can do so; for, as all men should constantly watch over him with justice and right, so, also, are they always bound to guard him with loyalty and security. For this reason no one can avoid this, nor should he attempt to do so by saying that he is not appointed for that purpose, if he sees his lord killed, wounded, or dishonored, and does not do everything in his power to prevent it from happening, and to punish it as far as he is able. He who does not act in this manner, and is his vassal or a native of his country, will be guilty of open treason, for which he deserves to be punished like a man who could avert, or avenge, the death or the dishonor of his lord, and did not do so.

### LAW III.

#### **How the People Should Defend the Country, and Oppose With An Army Those Who Rise in Rebellion in It.**

The country over which the king has sovereignty as lord is called the kingdom, and, moreover, he is called king on account of the acts which it is his duty to perform, maintaining the land in justice, and according to law. Wherefore the ancient sages declared that they are, as it were, soul and body, and although they are themselves separate, union makes them one and the same thing. Hence, though the people may protect the king in all the above named matters, if they do not protect the kingdom from the misfortunes which may come upon it, the defence will not be complete. The first of the defences which it is proper for them to make, is when anyone rebels against the kingdom for the purpose of raising an insurrection, or to do it some other injury. Under circumstances of this kind all persons should assemble as quickly as they can, for several reasons, and in the first place, to protect the king their lord from the harm and humiliation which arise from a rebellion of this kind. In a war with foreign enemies there is nothing extraordinary, as the people are not under the obligation attaching to citizenship, or sovereignty; but greater dishonor arises from sedition instigated by the king's own subjects where vassals are desirous of making themselves equal to their lord, and contend with him audaciously and with pride.

The peril also is greater, because an insurrection of this kind is always begun under circumstances of great perfidy, and especially for the purpose of promoting fraud and wickedness. On this account the ancient sages declared,

that there is no greater plague in the world than for a man to be injured by him in whom he confides; nor a more dangerous war than that carried on by enemies against which a man is not on his guard, who are not known to be such but represent themselves to be friends, as we have previously stated. Moreover, great injury results to the kingdom, because the war is brought on by its own citizens whom it considers as its children and its servants: and the country is also divided by those who should keep it united, and the destruction of those who should defend it results, for the reason that they know how to commit ravages better than others who are not natives. Wherefore this is the nature of poison, for, if assistance is not rendered at once to the person to whom it has been administered, it goes directly to his heart and kills him. On this account the ancients called a war of this kind an intestinal conflict.

In addition to all this, serious injury results because great blame is imputed not only to those who institute hostilities but also to all persons in the country, if, as soon as they learn of it, they do not show that it afflicts them, by exerting themselves incessantly, and opposing the war vigorously, in order that great enmity like this may not be further inflamed, or the king, for this reason, suffer diminution in his power or his honor; or that great destruction or damage may not come upon the kingdom; or that wicked persons, growing bold, may not follow this example, and do likewise. On this account it should be speedily quenched in such a way that there may not issue from it any smoke, by which the good reputation of the country will be obscured.

Hence, for these reasons, all persons, as soon as they hear of it, should form an army, not waiting for the orders of the king; for the ancients considered an insurrection of this kind such a serious matter that they decreed that no one could avoid military service, through distinction of birth, or intimacy with the king, or any exemption which he held from him; nor by reason of his being a member of a religious order, except where he was secluded in a cloister or remained to conduct a religious service; but that all persons should assemble to render assistance with their hands, their retinues, and their property. They had so ardent a desire to prevent a war of this description that they ordained that if everything else was wanting, the women should contribute their aid for the thwarting of an enterprise like this; for since the misfortune and injury affect all, they did not consider it either proper or just for anyone to be able to excuse himself, or that all people should not combine to eradicate the evil.

Wherefore, those who institute an insurrection of this kind are traitors, and should lose their lives and all their property; and those who refuse to join the army, or leave it without orders, because an event of this kind does not grieve them, should undergo the penalty above mentioned; for it is a well-known point of law that those who commit crime and those who advise it should be punished with equal severity. Those, however, who cannot come, and who offer a lawful excuse will not be liable to punishment, as for instance, such as are under fourteen years of age, or over seventy; or those who are ill or wounded, and are unable to; or where they are prevented by heavy snows, or great inundations, so that they cannot travel in any way, but no one can be excused from joining the army, unless he is sick or so severely wounded that he cannot bear arms.

However, what is stated above concerning old men who should be excused, is not understood to apply to those who are so wise that by means of their sagacity they can be of assistance to the army; for one of the things in the world to which such persons are most necessary, is the profession of arms. For this reason the ancients constructed vehicles and other con-



trivances, so as to take with them in the army old men who were unable to ride on horseback, that they might assist them by their prudence and their advice.

#### **LAW IV.**

##### **The People Should Form An Army When Foreign Enemies Invade the Country In Order to Commit Injury In Their Passage.**

Men make war in two ways, either to defend their own property or to conquer that which belongs to another. It is necessary that each of these be made with the aid of armies, and with the power of men and of arms, for since the object is to subdue the enemy the more forcibly it is accomplished, the sooner it will be completed. For this reason, in the preceding law we mentioned one kind of an army which is created when an insurrection breaks out in the country, but we do not wish to forget to speak of others, which we referred to in the first law of this Title. One of these is when the king's enemies enter the kingdom by force, and this may happen in three ways; first, when the enemy invades the country to commit injury, on the way; second, when he ventures to besiege a town or a castle; third, when he attempts to engage in battle with the king in his kingdom on an appointed day. In each of these instances the people are required to assemble to protect their king from injury at the hands of his enemies, for where they protect him they protect themselves and their country as well.

With regard to the first way, which is where the enemy enters a country to inflict injury during his passage, since this is more urgent than the others, all those who hear of it should at once run to the assistance of the country, to defend it and drive out the enemy, and especially should those who are nearest at hand do so; for, as the event itself summons them, they require no warning at the hands of messengers, nor do they need any despatches. Those who do not do this show that they are not grieved by the humiliation of their lord, or that they have no desire to protect him from it, or any concern for the kingdom of which they are natives; and therefore they should be punished by forfeiting the affection of the king whom they were unwilling to assist, and be banished from the kingdom which they did not attempt to defend.

This regulation was formerly established in Spain for the reason that if those who were unwilling to assist the king when he entered the enemy's country for the purpose of conquest were greatly to blame, how much more culpable were those who were unwilling to assemble for the protection of their own property, when the enemy entered their country for the purpose of inflicting damage. However, where, through lack of assistance, the king is killed, wounded, taken prisoner, or deprived of his possessions, all who did not hasten to his assistance should undergo the same penalty as those through whose fault he suffered any of these above named misfortunes, from which they might have been able to protect him, but were unwilling to do so. This, however, is not understood to apply to anyone who has a lawful excuse for not coming, as stated in the preceding law.

#### **LAW V.**

##### **The People Should Form An Army, When Foreign Enemies Besiege a Town or Castle in the King's Dominions.**

We have stated in the preceding law that great disgrace will attach to all the people of the country, when an enemy is about to overrun it, and inflict other damage by the way, if they do not assemble at once to defend it. Their

disgrace, however, will be still greater when they permit enemies to besiege a town or castle, when it seems as if they were acting at their leisure, and intended to remain in the country, expecting to conquer it. For, as the enemy shows by this that he is strong, so the inhabitants of the country prove themselves to be cowardly and weak, if, as soon as they receive intelligence of this, they do not go immediately to raise the siege, and do everything in their power to prevent their lord from being deprived of his possessions, and not to permit his enemies to acquire a foothold in their country; wherefore the ancients deemed it proper that all should be required to join an army of this kind just as if they had been summoned to do so, although no notice had been sent them. This is the case because the event itself and their birth summon them, as well as the sovereignty of the kingdom which they are obliged to defend, for otherwise the king could not be well protected. Hence, those who are unwilling to join an army of this kind, and have no lawful excuse, as above stated, if the castle should be lost, and they are men of rank, they shall be banished from the kingdom and deprived of all their possessions, because it appears that they were pleased with the losses of their lord; and where they are of inferior station, they shall lose their lives and all their property on this account; if however the king should suffer any of the misfortunes mentioned in the preceding law, they shall undergo the penalty therein mentioned.

#### LAW VI.

##### **The People Should Assemble In Arms, When Foreign Enemies Enter the Country To Engage in Battle With the King On An Appointed Day.**

It happens sometimes that the power of enemies is so great that they venture to enter the kingdom in order to give battle to the king and all the people of his country; and, for the reason that they do this, acquiring boldness on account of their strength and valor, greater humiliation results to the king and all those of the land, than from the other invasions which we have mentioned; and therefore all persons in his dominions should assemble as soon as they learn of this—in the same way mentioned in the law treating of insurrections in the kingdom. The ancients deemed it proper that not only those who were natives of the country, but also all others residing in it who were able to bear arms, should join the army of this kind, for the reason, in the first place, that dishonor affects the king their lord, and, through him, all others together. For, since he is king, if he happens to be killed, taken prisoner, or conquered, all the principal men of the country will be lost with him, for if anyone should escape through vile conduct he will be worthless for the defense of the kingdom. And, if the king were not present in the battle, by reason of his being a child; or on account of some disease from which he was evidently suffering; or because his vassals would not consent to his being there, under any circumstances, in order to protect him from danger; nevertheless, men of such importance would be lost, if the people of the country did not at once go to their assistance, as neither the king himself, nor the others who remained with him, would be able afterwards to defend the country, and, for this reason, everything might run the risk of destruction.

Thus, because the loss would be common to all, as we have previously stated, no one can avoid joining this army; for he who does so commits treason against the king and the kingdom, and disgraces his family forever; for which reason he should be punished in person and property in the same way as one who permits his lord to run the risk of any misfortune, and the kingdom of which he is a native to be exposed to destruction through the

lack of his personal exertions and of the assistance which he could have afforded and did not give. This, however, is not understood to apply to those who have a lawful excuse, as above stated in the law treating of insurrections.

#### **LAW VII.**

##### **The People Should Assemble An Army When Their King Invades the Enemy's Country To Inflict Injury By the Way.**

The king can invade the enemy's country with an army, to make war in three different ways, as we stated in the preceding laws that the enemy could do in his own. And, although the people are obliged to join such armies in great haste, as we stated above, for the reason that they are formed for the protection of their lord and their country; they should not, on the other hand, remain in their own and not invade other countries for their own honor, and for the purpose of destroying their enemies. Wherefore the ancient people of Spain who decided all these matters with great prudence, did not consider that the king had need of less protection when he invaded the country of his enemies, than when they invaded his own. For, in his own country, although the power of the enemy might be greater than his, if he did not venture to engage in battle with him he would still have towns, castles, and fortresses where he could take refuge, and arms, provisions, and such supplies as he required, which he could not obtain in the enemy's country; and, moreover, he and his people would be better acquainted with the condition of his own country than with that of a foreign one.

Therefore, when the king desires to enter the enemy's country in order to inflict damage on his way, he should previously communicate the fact to those of his people whom he deems proper should accompany him, and appoint a certain time in which they may make preparations, so as to assemble for his service; and the time should be such as he considers sufficient for this, and which he thinks they can endure. On this account the ancients did not specify any particular time for an assembly of this description, because it might amount to few or many days, according to circumstances; but they ordained that when the king summoned his subjects, and appointed a certain period for their arrival, if they were able to come, and did not do so, not having a lawful excuse, as stated in other laws, they should forfeit the estates which they had received from the king, and be banished from the country, because they were unwilling to honor him. And such as invaded the country with him, and deserted from the army, they considered should suffer greater punishment, for it is the same as treason to desert their lord in the enemy's country; and they deemed this a matter of such importance that they decreed that, solely on account of their desertion, they should be exiled. But where the king sustained any damage on account of this, as, for instance, death or humiliation, they regulated the penalty according to the injury which he had received, since it was the result of their desertion.

#### **LAW VIII.**

##### **The People Should Join the Army When the King Desires to Besiege a Town or Castle Belonging to His Enemy.**

When a king desires to besiege a town or castle in the enemy's country, for which he is obliged to summon his people to assemble as an army, he should give them notice of it, and appoint a time for them to come provided with arms, provisions, and other supplies suitable for this purpose; and the

same rule applies when he has formed a siege, and sends for them to come to his assistance. Those whom the king sends for are obliged to come, for several reasons. In the first place, because the order of their lord has been issued; second, to protect him from his enemies, and on account of the honor and aggrandizement of his kingdom and their country, and the acquisition of property for themselves, for all this happens when the king conquers territory from the enemy. Hence, those who do not join an army of this kind, or do not send a lawful excuse, as we have already stated, should, solely on account of disobedience or orders, be banished. And where they abandon the siege without orders to do so, and the king is unable, through the want of their assistance, to reduce the place, the ancients deemed it just that they should lose the half of their property, because, through their fault, he was deprived of what he could have taken from his enemies. If the king is killed, wounded, or humiliated, they should be punished on account of the misfortune or dishonor which he received on this account, as we stated in the preceding law.

#### LAW IX.

##### **The People Should Join the Army When the King Is Forced to Give Battle to His Enemies in Their Own Country.**

The king can enter the country of his enemies to give them battle on a certain day, and the ancients deemed it right that all who are informed of the fact should join an army of this description—those who have not been summoned, as well as those who have—just as in the case of an insurrection in the kingdom, or where they are required to join another army when enemies invade their own country in order to engage in battle with the king. In this instance they decided there should be no delay, nor any other time indicated except that which had already been appointed and determined for those who were to engage in battle.

Spaniards always have been well skilled in war, and have had much practice in deeds of arms, and although they understood that the battle which was about to be given to the king their lord, within his kingdom, was one involving great risk, considered that this was still more so, because, in the other case, if he was not killed, or taken prisoner, he might still seek refuge in his own country in some fortified place, and, moreover, those with him might find what they required, and afterwards be able to summon their people, by means of whom he could obtain vengeance; but he who is conquered in the enemy's country can, with his followers, escape death or imprisonment with great difficulty, and although he may escape to some fortress he might not obtain necessary supplies, and every day his followers will diminish in number, and the power of his enemies increase. Taking these dangers into account, they decreed that all should join an army of this kind, and that no one could avoid doing so, except for the reasons which have been stated. They did this in order to show honor to their lord, and protect him from his enemies in peril of this kind, and to bear in mind those things which they had to do, because they could accomplish them better before they engaged in battle. For every contest is of such a nature that, after men are involved in it, each endeavors to do the best he can and the result depends upon their prudence, and all is subject to the power of God; and thus it happens, that although they may revenge themselves for the injury inflicted upon them, they can never again recover from the humiliation which they suffered on account of their want of caution.

For all these reasons everyone should join an army of this kind as soon as he hears of it; and it was decreed that he who did not do so, if he was a

man of distinction, on account of his disobedience of orders in not going, shall forfeit the favor of the king and be exiled from the kingdom, and that any other man shall, for this reason be banished from the country, and lose half his possessions. For those who desert from an army of this kind, without the orders of the king, before the battle is over, where they are noblemen, shall be banished forever from the country and forfeit half of their property; and men of inferior rank shall lose their lives on this account, for it might happen because of their taking flight that the king could not engage in battle, and would be disgraced and dishonored; and if he did do so he might encounter misfortune, and all this would occur through their fault.

Those who flee from battle before it is over causing the ranks to be broken, or who desert to the enemy, they declared to be open traitors, and decreed that they should die, and lose all their possessions on account of their crime; and, in order that they might be more conspicuous because of the treason they had committed, they ordered their houses to be demolished. They considered the desertion of their lord, while engaged in battle with his enemies, such a grave matter, whether it happened in his own country or elsewhere, that they decreed that neither their wives nor children should welcome men of this character to their houses, or live with them from that time forward, on account of the evil reputation and notoriety which they had obtained through this act.

## **TITLE XX.**

### **How the People Should Act Towards the Country of Which They Are Natives.**

To be nourished, grow, and create offspring, are three attributes which Aristotle and other wise men ascribed to the creative soul. And, as they likened it, in its operation, to the people, we desire to explain this here; for we have already spoken in this book of the two natures of the soul, as they distinguished them, in which they attributed the reasoning power to God, and the perceptive faculty to the king. Wherefore we declare that, as this creative soul operates naturally by means of the three attributes aforesaid, through the debt it owes to affection; so are the people bound to labor on account of the love of the country of which they are natives, by nourishing it, and aggrandizing it, and creating offspring in it by which it may be inhabited; and in each of these matters they should act as is proper, for in any other way they cannot manifest true affection for the country in which they dwell. And, although wise men, in their books gave the first place to the quality of sustenance, the second to that of growth, and the last to that of procreation; so, now we, with a view to the arrangement of this our book, do change the order of these. We shall speak, in the first place of the duty of begetting offspring, from whence the others are derived, and, afterwards, we shall treat in the laws of this Title of what is to be nurtured; and also of what is to be increased; and, above all, we shall state in what respects the people should be watchful and prepared, in order to defend their country and gain power over their enemies.

## **LAW I.**

### **The People Should Endeavor to Beget Offspring, in Order to Provide Inhabitants for the Country.**

Increase, and multiply, and replenish the earth was the first command which God issued to the first man and woman after he had created them. He did this because He knew that it was the first principle of nature, and the most powerful one by which men can be influenced in the land where they are obliged to live. For although the other, which they obtain by being nurtured, is of great importance, for it resembles a nurse who supplies them with food; and, also, what they acquire by residence in a country, through learning and practising there those things which they have to do, in this way acts as a tutor or master who teaches them what they ought to learn; nevertheless, the ancient sages, who discussed all these matters with great intelligence, attached more importance to the tie which we have mentioned above, which binds men to their country by reason of their having been born in it; for this is, as it were, their mother, by means of whom they come into the world, and grow to be men. Wherefore, the people should sustain all these relations to the country in which they wish to live, and it is especially desirable that the progeny which springs from them should be born there, for this will cause them to love her, and desire to have those other relations with her which we have mentioned above.

In order to create this offspring many things should be observed that it may be born and multiply. The first is, that those who have arrived at a proper age should marry early, for many advantages result from this, since they obey the commandment of God, as we have explained, and are also

enabled to live without sin, through which they will obtain the love of God and He will increase their offspring. Moreover, they will take pleasure in their lives, and obtain the assistance of their descendants, from which they will acquire strength and power, and what is of great concern to them, they will experience great comfort, for the reason that they leave others in their places who are, as it were, one person with them, to whom their property should be left, and who may accomplish after their death what they were bound to do. In addition to all this, there is still another great advantage, for when persons marry early, and one of them dies, the survivor can marry subsequently, and thus have children at a fit time, which those who marry late cannot do so well.

## LAW II.

### What Things Persons Should Avoid in Order Not to Be Prevented from Having Offspring.

Persons should exercise care in their marriages, and be sure to marry under such circumstances that they can have children, in order to people the country, as stated in the preceding law. In order to be able to accomplish this, they must avoid the things mentioned in this law which may hinder them. An instance of this would be where the husband and wife are very young, or very old; because, in the former case, want of age will be an impediment, and in the other, the infirmity of years. Moreover, they should be very careful that the marriage be not very unequal, as, for instance, where a boy marries an old woman, or an old man a very young girl. For, without taking into consideration the bad appearance which they will make, two evils will result; first, no love can exist between them; second, they can have no children on account of the difference in their ages.<sup>1</sup> The same rule was established with regard to those suffering from a constitutional defect, or some disease which would prevent them from having children, for persons of this kind, although they may marry at the proper age, will lose their time, because neither of them is in possession of what is requisite for matrimony. Therefore, being aware that these things are serious obstacles to the propagation of offspring, they should avoid them, and should seek others by means of which it can be more readily accomplished, for instance, as we stated above, marry early, and see that both parties are healthy and of a sound constitution. Moreover, both should be handsome, if possible, or at least the woman should be, and, above all, they should be attached to one another, for this is what takes precedence of everything else. In addition to all these matters, they should pay attention to another which is attended with great danger; that is, that the husband does not approach his wife at such a time as, through the father's fault, or the mother's illness, defective children may be brought into the world; for when this is done they will be born invalids, so that they would be better dead than alive. And, although the ancients considered all these questions carefully, and discussed them naturally, and corporeally, as well informed men; the saints, who established the Catholic Faith, holding that matters which concern the soul should be attended to before those which relate to the body, ordained that marriage should be contracted without sin,

<sup>1</sup>The Visigothic Code discouraged marriages of this description as being contrary to public policy and private morals. "*Vidimus enim quosdam non avidos amore naturae, sed infectos cupiditatis ardore filiis suis tam inordinatim disponere fœdera nuptiarum, ut in eorum actis, nec ætatum consors sit ordo, nec morum. Nam quum viris res illa dederit nomen, quod vi feminas agant, isti per repugnantia naturæ conamina maribus puellulas anteponunt, dum infantibus adolescentulas dispensationis copulo iungunt; itaque per ætatis præpostere tempus honestatis lucrum dilabi cogunt ad impudicitiae lapsum, dum puellarum avidior et maxima ætas æros tardosque virorum contemnit expectare proventus. Vt ergo male ordinata propagatio generis in ordinem transductionibus reducatur illicitis, huius sanctione decernitur legis, ut feminas minoris ætatis, ætatis viris maioribus in matrimonio disponantur. Aliiter dispositio facta, si una pars contradicere videatur, nullo modo manere iubetur.*" (For. Jud. III-1-5.)—Ed.

so that God might be pleased, and the progeny derived from it be able to live among men, and inherit the property of their parents and relatives without hindrance, as we have shown in the laws treating of this subject. Wherefore, the people who act towards their descendants in this manner do as God commands, and prove themselves to be friends and natives of the country in which they dwell; and those who do not, commit sin against God, and should be punished for it, and show, moreover, that they are enemies of the country which they inhabit, and which they are bound to love; for which reasons they should not receive from it the benefits and the honors that others do.

### LAW III.

#### **How the People Should Rear Their Offspring, Teach Them Good Habits, and How to Make Use of Them.**

A people cannot multiply in the land merely by having children, if they do not know how to bring up and watch over those who are born, in order to enable them to reach maturity. Although all persons naturally have this desire, and with reason, yet it is very proper for them to know how to carry it into effect; for if a man desires something, and has the ability to accomplish it, if he does not know how to do so, he will never be able to obtain it, or succeed in his undertaking. For this reason the wise men who spoke of the nurture of things, showed that in order for this to be perfectly done, three things should be taken into consideration, one of which is derived from nature, and two from prudence. That derived from nature is that a man should love the object which he nurtures; and those derived from prudence, are, first, that he know how to protect what he has nurtured, so that it may arrive at maturity; and second, that he may be able to make a profitable use of it; and if they ordered this to be observed with regard to all matters it is much more obligatory in the case of children. For if a man loves anything else which he has created, because it is his work, how much more should he love his child which is derived from his own body according to nature, with exceeding love, and remains after him to call him to memory. Hence, nature causes parents to love their children more than all else, and this attachment induces them to rear them with great tenderness, giving them such things as they know are good for them, that they may grow up sooner and better. She also endows them with wisdom to preserve them so that they may come to full maturity, and be perfect not only in body and limbs, but in habits and manners as well, instructing them in what they should do.

After they have shown them these things, it is fitting that they should know how to make use of them, for, as it is both reasonable, natural, and just, that children should know how to obey their parents and serve them; it is also reasonable that parents should know how to make use of them and be assisted by them, for in any other way it would not appear that they entertain genuine affection for them, or that the education or the protection which they give them will result in any benefit to their parents. It is likewise very unreasonable and unseemly for a man not to know how to make use of what is his own, and still more so of his children, who are absolutely his more than anything else to employ according to his pleasure; and therefore those people who know how to love, and rear, and make use of, and be assisted by their children, show that they love the country in which they dwell.



## LAW IV.

## The People Should Endeavor to Obtain the Fruits of the Earth and Other Articles Necessary for Their Support.

The people should nourish the fruits of the earth with great diligence by means of its cultivation and care, in order to produce them, for by the aid of this nurture, the other mentioned in the preceding law must be maintained, and by this means all tame and wild creatures are fed and supported. Wherefore all should exert themselves so that the land in which they dwell may be well tilled; and no one can lawfully avoid this, nor should he do so, for some must labor with their hands, and others who do not know how, or for whom it is not suitable, should direct how things should be done. It should please the whole community, and they ought earnestly to desire that the earth be cultivated, for, after it is, it will abound in all things which they require. For, just as all persons are pleased with life, so they should take pleasure in those things by which they are obliged to sustain it.<sup>1</sup>

Not only do we decree that this applies to the lands from which fruits are obtained but also to the houses in which people dwell, or store their property, as well as other buildings which they use for their support; for all this they should cultivate and care for, so that, in this way, the land may be kept in better order, and they derive pleasure and profit. This is one of the means whereby men obtain great satisfaction from an attachment to the soil, which is very proper for them to have, and to seek every way possible to benefit by it, and not become worthless. For as those who are settled and quiet in the land, naturally have reason to love it and to act properly; on the other hand, those who are guilty of excesses, and are idle, must necessarily be its enemies through the harm they do it; and, besides, it is very unreasonable that those who are an injury to the country should profit by its advantages. For this reason the ancient sages, who made the laws, ordained that men of this kind, who are called, in Latin, *mendicantes validi*, and in the Castilian language, *baldios*, who are of no benefit whatever to the country, should not only be banished from it, but also where they are sound in limb and ask alms in God's name, it must not be given them, in order that they may be compelled to act properly, and live by their labors.

<sup>1</sup> Agriculture was sedulously inculcated by many of the religious and legislative systems of antiquity, and especially was this the case where these were combined. The Avesta declares that the cultivation of the soil is, above all other things, a sacred duty, that the earth should not long remain untilled, and that when it is plowed it becomes a giver of all good to man and bestows upon him prosperity and an abundance of food.

"Who rejoices this earth with the greatest joy? He who most cultivates the fruits of the field, grass and trees which yield food, or he who provides waterless land with water; for the earth is not glad which lies long uncultivated. If it can be tilled, then it is good for a habitation of men, and there the cattle increase which long went barren. He who cultivates the earth with the left arm and the right, to him it brings wealth, then this earth speaks to him and says: 'Always will I come hither and bear all food, together with the fruits of the field'." (Avesta, Vendidad, Fargard III.)

Mohammed said that where a man plants fruit-trees or sows seed, and a human being, or even a bird or a wild beast, is fed by reason of it, what is consumed shall be credited to him as alms; and that he who sets out an orchard which bears fruit, will be rewarded by God in proportion to the yield of the same.

"Si quelqu'un fait une plantation ou un semis, et qu'un homme en ait mangé ou même un oiseau, ou un animal sauvage, la quantité absorbée lui sera comptée comme aumône. Si un homme fait une plantation et qu'elle porte du fruit. Dieu lui donnera une récompense proportionnée aux fruits qui auront été produits. Celui qui fait une plantation en respectant les principes de la justice, obtiendra de la miséricorde du Créateur une récompense qui lui procurera beaucoup d'avantages." (Ibn-al-Awam, Le Livre de l'Agriculture; trad. par Clement-Mullet I-1-3.)

The labors of agriculture have been considered by all enlightened writers as constituting not merely the duty of a people with respect to their own country alone, but as of international importance. "The cultivation of the soil deserves the attention of the government, not only on account of the invaluable advantages that flow from it, but from its being an obligation imposed by nature on mankind. The whole earth is destined to feed its inhabitants; but this it would be incapable of doing if it were uncultivated. Every nation is then obliged by the law of nature to cultivate the land that has fallen to its share; and it has no right to enlarge its boundaries, or have recourse to the assistance of other nations, but in proportion as the land in its possession is incapable of furnishing it with necessaries." (Vattel, The Law of Nations I-VII.)—Ed.

**LAW V.****What Difference Exists Between Labor and Handicraft.**

Although both labor and work are performed to obtain the control of something, a difference exists between them, for labor is applied to what men do while strongly exerting themselves, and this in two ways: one with reference to the act, the other to the time; as, for instance, where persons labor for the sake of bread and wine, and take care of their beasts, or do other things of this kind, which imply severe exertion and travel through mountains or fields, and necessarily suffer cold and heat, according to the season. Handicraft includes the occupations of men stationed in houses, in sheltered places; as, for instance, such as are employed in manufactures of gold and silver, and who coin money, and make arms and armor, as well as such as are engaged in other employments of many different kinds, in which work is done in this manner; and although they exert themselves by the use of their bodies, the weather does not have such power to injure them as it does others who toil out of doors, for which reason the latter are called laborers and the former craftsmen. In order, however, that these things may be done with skill and art, it is proper that those who do them should observe three rules: first, they should act honestly and properly in their business, not changing the articles which they use, or counterfeiting them; second, they must complete them, not reserving or diminishing anything; third, they ought to be diligent in performing their tasks by being energetic and manifesting zeal, and exerting all their power to do them quickly and well, and by knowing how to take advantage of the seasons that they may be assisted by them in their work.

**LAW VI.****How the People Should Possess Themselves of a Country and Gain Control of the Things it Contains in Order to Aggrandize It.**

The people, by increasing and rearing their offspring, and by cultivating the earth and making use of it, as we stated in the preceding laws, perform two acts by which they are multiplied, and the earth inhabited, as God commands; but there is something else which men should do, in order that this command may be perfectly complied with, and that is they must gain possession of, and learn how to master it. This possession is acquired in two ways: first, by skill; second, by force. For by means of their intelligence men ought to know the country and understand for what it is best adapted, and clear and cultivate it by skill; and they should not depreciate it, by saying it is not good, for if it is not adapted to one thing it must be to another, as we have already stated in some of the laws of this book.

In the same way they should make use of the animals which are in the country, for they ought to be intelligent enough to know which of them are the most profitable, and can be the more readily domesticated by skill and art, so as to obtain their assistance and make use of them in such things as are necessary; and, they should, moreover, have sufficient ingenuity to capture those that are wild, and know how to employ them for their advantage. By doing this they will acquire control of the earth, and will make use of the things which it contains, the beasts as well as the birds and fish, in accordance with the command of God.

**LAW VII.****How the People Should Obtain Possession of the Country by Force.**

The people should obtain possession of the country by force when they cannot do so by stratagem and skill, for then they must risk overcoming obstacles by strength and firmness; as, for instance, by breaking up large rocks, by tunnelling great mountains, by levelling high places and filling up low ones; or by killing wild and strong animals by venturing among them, in order to profit by them. And for the reason that all these things cannot be accomplished without a struggle, therefore, a contest of this kind is called war; and that people love their country who have sufficient wisdom and power to obtain control of it by performing the deeds aforesaid. And, if they act thus in the face of all the impediments which we have mentioned and with which they have to contend, how much more should they do so when opposed to men who are their enemies, and who desire to make war upon them, and to employ violence against them, with a view to depriving them of their country, or inflicting injury upon them there.

To do this properly it is fitting that the people possess the two qualities which we mentioned above, that is, wisdom and strength; in order that they may know how to defend their own property and conquer that of the enemy. Therefore we state that those who do not do this err in many ways; first, because they neglect the command of God, and show that they are possessed of little prudence and of weak hearts, not knowing how to protect themselves from their enemies, and opening to the latter a way by which they may obtain power over themselves and their country. In addition to the penalty which God will impose upon them, that inflicted by the enemy will not be insignificant if they cause them to lose their country to their own injury and dishonor. A people of this kind should not be called the friends of their country, but its mortal foes, like him who is willing that his property be obtained by his enemies, and prefers to be vanquished rather than to conquer, and would rather be a slave than a freeman.

**LAW VIII.****In What Respects the People Should Be Careful and on Their Guard, in Order to Defend Their Country and Subdue Their Enemies.**

Where a people have obtained control of their country they derive therefrom benefit and honor, for great advantages result to them from this source; as when their enemies learn they are powerful they will not care to attack them, or do them harm. Their honor is great when they are prepared and strong, so that they hold both war and peace in their hands, and are able to make use of whichever they consider to be most to their advantage; but, to accomplish this, they must be ready, and provided with four things. First, they must have castles, well fortified and equipped; second, they must have good cavalry and infantry; third, they must have a sufficient supply of horses and arms for them; fourth, they must have a sufficient supply of provisions, because without this the others cannot be maintained. And, leaving all this out of consideration, they should endeavor, as far as they can, to have money set apart to pay the expenses, which they must incur in time of war, so that they may not have to levy taxes on the people, which is a great burden to them at all times, and especially when they have to engage in hostilities. Wherefore, that people who are ready and prepared in this way will comply with what Our Lord Jesus Christ said in the Gospel: "When a strong and well-armed man defends his house everything he has is at peace." Those who act in this way, will be perfectly able to preserve their loyalty to their lord;

will be considered prudent, and their enemies will be compelled to fear them; and they will be masters of their own country, and will show that they are its friends. Those who do not do so will undergo the opposite, from which they will suffer injury, deep affliction, and great humiliation.

## TITLE XXI.

### Concerning Knights, and the Things Which It Is Proper for Them to Do.

Defenders constitute one of the three means through which God desired the world to be sustained. For, just as those who pray to God for the people are called preachers; and those who cultivate the earth and perform the work in it, by means of which men must live and be supported, are called laborers; those, on the other hand, whose duty is to protect all, are called defenders; and hence it was considered proper by the ancients, that the men who have such labors to perform should be carefully selected. This is the case because three things are implied by defence, namely, energy, honor, and power.

Wherefore, since in the preceding Title we have shown how the people should act toward the country in which they live, by begetting offspring which may inhabit it; by cultivating it in order to enjoy its fruits; by obtaining control of the objects which it contains; and by protecting it and defending it from its enemies, which is something that is the common duty of all, yet, this is the particular duty of the knights whom the ancients called defenders; first, because they are of higher rank; second, because they are especially appointed to defend the country and aggrandize it. For which reason we desire to treat of them here, to show why they are so called; how they should be selected; what kind of men they ought to be; who has power to create them; who they should be; how they should be created; how they should be maintained; what things they are required to observe; what their duties are; and how they should be distinguished because they are knights; and for what reasons they should lose that honor.

### LAW I.

#### For What Reasons Knighthood and Knights Are So Named.

The organization of noblemen appointed to defend the country was formerly called the assembly of the knights. On this account they gave it the Latin name *militia*, which means bodies of seasoned and powerful men, chosen to endure hardship and misfortune by laboring and suffering for the benefit of all together; for which reason this name was derived from the numeral one thousand, as, in ancient times, one man out of a thousand was selected to be made a knight. They are called knights in Spain, not merely for the reason that they ride on horses, but as those who go on horseback travel in a more honorable way than on any other animal, so, those who are chosen to be knights occupy a more distinguished rank than all other defenders. Wherefore, as the word knighthood was formerly taken from a body of men selected for defence, in like manner, the name of knight was derived from the name knighthood.

### LAW II.

#### How Knights Should Be Selected.

The number one thousand is the most honorable one possible; for, as the number ten is the most honorable figure of those which begin with one, and the figure hundred among the tens, so of the hundreds the greatest is one thousand, because all others are contained in it. And, if we proceed farther, no other number can be found which exists independently by itself, but it necessarily must return to be indicated by the others which we stated were included in the number one thousand, and therefore one man was chosen out of

a thousand to be created a knight, as we stated in the preceding law. In selecting them, they took care that they were men who possessed three qualities; first, they were required to be capable of endurance, in order to suffer the great privation and labor which would come upon them in war and battle. Second, they had to be practiced in the use of weapons, that they might the better know how to conquer and kill their enemies, and not be easily fatigued by doing so. Third, they were required to be without pity, in order to show no mercy while robbing their enemies, or while wounding or killing them; and, moreover, not to be readily dismayed on account of any blow which they might receive, or inflict upon others.

For these reasons, in former times, when creating knights, they selected mountain hunters, who are men that can endure great hardships, and carpenters, and blacksmiths, and stonecutters, because they are accustomed to strike blows, and have powerful hands. They also chose butchers, because they were used to killing living animals and to scattering their blood. They also observed another thing in their choice, and that is that their limbs should be well made, in order that they might be strong, powerful, and active.

This manner of selection the ancients practiced for a long period of time, but because they afterwards saw that men of this description very frequently had no sense of shame, and forgot all the above-named duties, and instead of conquering their enemies, were themselves defeated; those who were skilled in these matters deemed it proper that men should be appointed for this purpose who were naturally susceptible to shame. A wise man, named Vegetius, while discussing this subject, said concerning the order of knighthood: "That shame prevents a knight from taking to flight in battle and for that reason it enables him to conquer;" for it was believed that a man who was weak, but had power of endurance, was preferable to one who was strong and active, so that he could escape. On this account they were careful, above all things, that knights should be of distinguished lineage, that they might avoid doing anything through which they might suffer humiliation; and because they were chosen from good families, who had property, they were called *fijosdalgo*, which means sons of quality. And in some other places they are called gentlemen, a name derived from gentility, which means nobility of excellence; for the reason that gentlemen were noble and good men, and lived more regularly than other people. This attribute of gentility they possessed in three ways; first, through their lineage; second, through their knowledge; third, through the superiority of their habits and manners. And, although those who are entitled to this on account of their knowledge and excellence are justly called nobles and gentlemen, those are especially such who enjoy it through their ancient lineage and who like good lives, for it descends to them from a distance like an inheritance; for which reason they are more bound to act as is fitting, and to avoid faults and improprieties, since, when they act in this manner, not only do they, themselves, but also those from whom they are descended, suffer injury and shame. Wherefore, knights should be chosen who are descended in the direct line from father and grandfather as far as the fourth degree, which is that of the great-grandfather, and the ancients deemed this to be proper, because beyond that men could not remember; the farther back, however, their lineage could be traced, so much the greater did they increase in honor and nobility.

### LAW III.

#### How Fijosdalgo Should Defend Their Nobility and Their Rights.

Excellence of descent, as we have stated in the preceding law, is that nobility which men derive from their lineage, for which reason those who have

this right should be very careful not to impair or diminish it. For, as lineage confers it upon men like an inheritance, a *fjodalgo* should not desire to be so unfortunate that what originated in others and they inherited, should be diminished by, or end in him. This would occur when he diminished that which others increased by marrying a woman of the lowest class, and a *fidalga* by marrying a man of inferior rank. Men, however, obtain the greater part of their excellence of descent through the honors of their fathers; for although the mother may be a woman of the lowest class, and the father a *fjodalgo*, the son born of them is also a *fjodalgo*, and can be considered a *fjodalgo*, but not a nobleman. But where he was born of a *fidalga* and a man of low rank, they did not think it just that he should be considered a *fjodalgo*: for the reason that men always place the names of their fathers first, when they wish to refer to them, nor, moreover, should the name of the mother be mentioned, for fear that it may be a source of reproach to her and her son: for the greatest contempt that can befall anything that is honorable is when it is so mingled with what is vile that it loses its own name, and acquires that of the other.

#### LAW IV.

##### Knights Should Possess Four Chief Virtues.

Excellent qualities which men naturally possess are called good habits, and are styled *virtutes* in Latin, and of these four are superior, namely, prudence, fortitude, temperance, and justice.<sup>1</sup> Although every man should desire to be good, and endeavor to acquire these virtues, not only the preachers whom we have mentioned but others as well, whose duty it is to maintain the country by means of their labors and exertions; among them, there are none, to whom this is more becoming than to the defenders, for the reason that it is their duty to protect the Church, the monarchs, and all others. Prudence will enable them to do this to advantage, and without injury; fortitude will cause them to be firm and not irresolute in what they do; moderation will induce them to perform their duties as they should, and not be guilty of excess; and justice will enable them to act according to the right. For this reason the ancients, by way of commemoration, caused arms of four kinds to be made for the knights; first, such as they clothe themselves with, and wear; second, those with which they gird themselves; third, those which they bear in front of them; fourth, those with which they strike. And although these are of many forms, nevertheless they are all designed for two purposes; some for the protection of the body, which are called armor, others for inflicting blows, which are called weapons. And because the defenders did not ordinarily possess these weapons, and, even though they had them, might not always be able to carry them, the ancients deemed it proper to contrive one which should be emblematic of all these, and this is the sword. For, as the arms which men put on for the purpose of defence indicate prudence, which is a virtue that protects them from all evils which can come upon them through their own fault; so the hilt of a sword which a man holds in his grasp, is also suggestive of this, for as long as he holds it, he has the power to raise or lower it, or strike with it, or abandon it; and as the arms which a man carries before him to defend himself, denote fortitude, which is a virtue that renders him steadfast in the midst of dangers which may come upon him, so all the fortitude of the sword lies in its pommel, for to it is attached the hilt, the guard, and the blade.

And, as the armor which a man girds on is intermediate between that with which he is clothed and the weapons with which he strikes, and thus resembles the virtue of moderation between things which are excessive and those which are less than they should be; with great similarity to this, the guard is placed between the handle and the blade of the sword. Moreover, as the arms which

<sup>1</sup> Cf. St. Thomas Aquinas (1228-1274) II, 2 qu. 58, art. 3, sec. 3 and concl. and 289 *ante*. C. S. I.

a man holds ready to strike with, whenever it is advisable, symbolize justice, which includes right and equality; so the blade of the sword which is straight and sharp, and cuts the same with both edges, represents the same thing. On account of all this the ancients ordained that noble defenders should always wear the sword, and that by means of it and with no other weapon they should receive the honor of knighthood, in order that they might always be reminded of these four virtues which they should possess; for, without them, they could not perfectly maintain the condition of defence for which they were appointed.

### **LAW V.**

#### **Defenders Should Be Intelligent.**

There are other excellent qualities, in addition to those we mentioned in the preceding law, which knights should possess. One of these is that they be intelligent. For intelligence is the one thing in the world which best directs a man to be perfect in his actions, and which causes him to differ most from other creatures; and, for this reason the knights who have to defend themselves and others as we have stated should be intelligent. For if they are not so they will fail in the duties which they are required to perform, because ignorance will prevent them from manifesting their power to those whom they should acquaint with it; and, on the other hand, it will make them treat those badly whom they are bound to protect. Moreover, it will cause them to be cruel towards those on whom they should have pity, and merciful where they should be relentless; and will induce them to commit a still greater offence which may be productive of disloyalty, for it may make them love those whom they should dislike, and hate those to whom they should be attached. It may also make them bold where they should not be so, and weak where they should have courage, and cause them to desire what they should not possess, and forget what they ought to desire; and, in this way, ignorance will cause them to err in everything which they have to do.

### **LAW VI.**

#### **Knights Should Be Well Informed, in Order to Know How to Make Use of Their Understanding.**

Where knights are intelligent, as we have stated in the preceding law, although they are of much more value on that account, it will, nevertheless, be of no benefit to them if they do not know how to put it in practice. For although their intelligence may show them how to make use of their power for purposes of defence, if they have not sufficient information to know how to do it this will avail them nothing, for its exercise brings man to the accomplishment of what he understands, and it is as a mirror in which is exhibited what his mind and his power are. For this reason it is proper that knights be well informed and reliable, in order to make use of what they understand, for in no other way can they become thoroughly good defenders.

### **LAW VII.**

#### **Knights Should Be Well Behaved.**

Where *fijosdalgo* practise things which are of a contrary nature, it causes them, in the end, to acquire good habits; and this signifies that, on the one hand, they may be powerful and brave, and on the other, gentle and humble. For as it becomes them to use strong and bold language in order to frighten



their enemies, and cause them to retire when they are among them; they should also have quiet and unassuming manners, in order to allure and attract those who are with them, and be courteous to them in both word and deed; as it is natural that he who uses kindness when it is not suitable will afterwards experience the want of it when he most needs it.

### **LAW VIII.**

#### **Knights Should Be Dexterous and Astute.**

Knights should be dexterous and cunning, and these are two qualities that are very becoming to them, for, as dexterity makes them better acquainted with what they have to perform with their hands, so shrewdness causes them to seek ways to accomplish better and with more safety what they desire. For this reason these two things agree thoroughly in one respect, for dexterity enables men to arm themselves well and handsomely, and also to assist one another, to handle every kind of weapon, and to be good horsemen and good riders, while astuteness enables them to overcome many with few, and to escape from dangers when they encounter them.

### **LAW IX.**

#### **Knights Should Be Very Loyal.**

It is proper that knights should be, in every respect, loyal, for this is an excellent quality in which are perfected and included all good practices, for it is, as it were, the mother of all of them; and, although men should, without exception, possess it, it is especially becoming to those who do, for three reasons given by the ancients. The first is, because they are appointed for the protection and defence of all persons, and those who are not loyal cannot be good guards; second, in order to preserve the honor of their lineage, which they will not do when they are deficient in loyalty; third, to prevent them from doing anything of which they may be ashamed, and to which those who are disloyal are more liable than to anything else.

Therefore, it is necessary that they have loyalty in their hearts, and that they know how to employ it. For in any other way they cannot fail to err in this respect, as it frequently happens that, in order to maintain their devotion to their lord and to those to whom they are bound to maintain it, they become guilty of wrong to men who never deserved it at their hands, to their own injury and to that of all those to whom they are under obligations; exposing themselves to danger and death, by acting contrary to their own wishes; by neglecting what they should take pleasure in; and by doing what they should not desire to do, when they are able to avoid it, and all this they do in order not to diminish their loyalty. For this reason it is necessary that they understand thoroughly what it is, and know how to employ it properly.

### **LAW X.**

#### **Knights Should Be Well Informed in Order to Form a Judgment of Their Horses and the Arms They Bear, So As to Determine Whether They Are Good or Not.**

Horses, armor, and weapons, are things which it is highly proper for knights to have of good quality, each according to its kind. For, since they are obliged to perform deeds of arms with them, which is their profession, it is fitting that they be of such a description that they can get good service

from them; and of all the things with which they should be thoroughly familiar, the knowledge of horses is of the greatest importance. For where a horse is large and handsome but has bad habits, and a knight is not sufficiently experienced to know this, two misfortunes will come upon him on account of it; first, he will lose what he paid for him; and second, by this means, he may be exposed to the risk of death or accident. He will, with reason, be liable to the same danger, if his armor is not of good material, and well made. Hence, as the ancients explained, horses must be endowed with three qualities in order to be good; first, they should be of a good color; second, they should have good dispositions; third, they should have suitable limbs corresponding to these two qualities. Moreover, he who wishes to form a proper judgment of a horse must take care that he is well-bred, for this is the one animal in the world most influenced by his nature. The ancients who treated of this subject maintained that, leaving this knowledge out of the question, knights should possess three qualities, in order to obtain good horses; first, know how to preserve their excellences; second, be able to correct any bad habits they may have; third, understand how to cure them of disease.

They should also know how to form a judgment of armor, in three different ways; first, be able to determine whether the iron, wood, leather, or other material of which it is composed, is good; second, be able to ascertain whether it is strong; and third, whether it is light. This also applies to offensive arms, which should be well-made, strong, and light. For, the better knights are acquainted with these things and are skilled in their use, the more and the better can they be aided by them, and employ them for their advantage.

## LAW XI.

### Who Has Power to Create Knights, and Who Has Not.

Knights cannot be created by anyone who is not a knight; for the ancient sages, who regulated everything according to reason, did not consider that it was a proper thing, or one which could be justly done, for one man to give another what he himself did not possess. And, as no one can confer the clerical orders when he does not have them, so also a person has no authority to create a knight, unless he is one. There were some, however, who held that the king and his son, and heir, even though they were not knights, had authority to create them by reason of the kingdom, because they are the heads of the body of knights, and all its power is subject to their commands, and, on this account, they were accustomed to observe this practice, and still observe it in certain countries. Nevertheless, for true and just reasons, no one can be made a knight by the hand of him who is not one.

The ancients attached so much importance to the order of knighthood, that they held that neither emperors nor kings should be consecrated or crowned, until after they had been created knights. They also declared that no one, no matter how high his rank, had the power to make himself a knight. And, although some kings, rather through custom than through justice, do this in certain localities, the ancients did not consider it proper that they should do so; for no one, of himself, can receive any dignity, order, or rule, if someone else does not bestow it upon him. Therefore it is necessary that there be two persons for the conferring of knighthood, namely, he who gives it and he who receives it. Moreover, the ancients held that an empress, or a queen, notwithstanding she might inherit her dignity, had no authority to create a knight, although she could request or command certain knights in her dominions, who had the right to confer the order of knighthood, to do so.

They also decreed that neither a man who had lost his mind nor a boy under fourteen years of age, could confer the order of knighthood, because it is so noble and honorable that he who confers it should understand how to perform the ceremony, which persons of this description would be unable to do. They also held that neither a priest nor a man belonging to a religious order could be made knights, because it would be a very unreasonable thing for those who did not have, and do not have the power of actively engaging in its labors, to meddle with the affairs of knighthood. But they held that where anyone had been a knight in the first place, and should afterwards happen to become the master of an order of knighthood, so as to perform deeds of arms, a person of this kind was not prohibited from creating knights. Moreover, they did not deem it proper that any man should make knights of persons who, according to justice and reason, could not, or ought not, to belong to the order of knighthood, as will be explained hereafter in the laws of this Title.

## LAW XII.

### What Men Should Not Be Knights.

Incapacity to do things well is manifested in two ways, one, through the act itself; the other, through reason. That which relates to the act is shown where men have not the capacity necessary to perform it; and that which relates to reason occurs when they have no right to do it. Although this happens in many instances, it is especially applicable to the affairs of knighthood, for, just as reason prevents a woman or a member of a religious order from being created knights, because they should not engage in battle; so neither should he who is insane or under age be knighted, since he has not sufficient intellectual capacity to understand what he is doing. Moreover, the law deprives a very poor man of the privilege of knighthood, unless he who confers the order upon him first gives him means by which he can live well; for the ancients did not consider that it was suitable that the honor of knighthood, which was established to confer benefits, should be bestowed on a man who had to resort to beggary, or lead a dishonorable life, or who might be obliged to steal, or commit some crime for which he would deserve the punishment prescribed for vile malefactors.

He should, moreover, not be created a knight who has any defect in his body or limbs, so that he would not be able to render assistance by means of arms in time of war. We also decree that a man should not be created a knight, who travels for the purpose of engaging in trade; nor any person known to be a traitor; nor one who has been guilty of perfidy, or has been condemned as such; nor any man who has been sentenced to death for an offence which he has committed, unless the penalty has first been remitted and the crime pardoned. No man should be a knight, who has once received the order by way of jest. This may happen in three ways; first, when he who created him a knight had no authority to do so; second, when he who received the order was not a proper person for any of the reasons which we have stated; third, when he who had a right to be made a knight, knowingly receives the order, as a jest; for, although he who conferred it may have had power to do so he who received it did not have the power to take it, because he did not receive it in the manner in which he should; and therefore in former times it was established as a law that whoever was willing to treat so noble a thing as knighthood with derision should be despised by it, so that he could not have it. It was also decreed that no one could receive the order of knighthood on account of some object of value, or anything else

which he might bestow in consideration of obtaining it, and which would resemble a purchase. For as lineage is something which cannot be bought, so a person is not entitled to an honor derived from nobility if he is not one who merits it through descent, or by his prudence, or because of some excellence which he possesses.

### **LAW XIII.**

#### **What Duties a Squire Should Perform Before He Receives the Order of Knighthood.**

Cleanliness makes all things that are visible look well, just as elegance makes them appear graceful, each in its own way. Hence the ancients deemed it proper that knights should be created without any suspicion of blemish. For, as they should practice purity among themselves and it ought to be manifested in their good qualities and their habits, as we have stated; they should also display it externally in their clothing, and in the arms which they bear. For although their calling is rude and bloody, as it is concerned with wounds and death; nevertheless, their minds should not refuse to be naturally pleased with things which are beautiful and elegant, and especially when they wear them; for the reason that, on the one hand, they confer joy and comfort upon them, and, on the other, it induces them to perform intrepid deeds of arms, since that they are aware that they will be better known on this account, and that all persons will pay more attention to what they do; therefore cleanliness and elegance are not impediments to the bravery and ferocity which they ought to possess. Moreover, as we stated above, their external appearance indicates the condition of their minds, and, for this reason, the ancients directed that a squire should be of noble descent; that the day before he received the order of knighthood he should keep watch; and that on the day when he received it, in the afternoon, the squires should bathe him and wash his head along with his hands, and place him in the best bed that they could find, and then it was the duty of the knights to dress him in the best garments they had.

After they had cleansed his body in this way they were required to do as much for his soul by conducting him to the church, where he was obliged to endure hardship by watching and praying to God to pardon his sins, and guide him to act for the best in the order which he desired to receive, so that he could defend his religion, and do other things which were proper; and that He might protect and defend him from danger and adversity and whatever opposition he might encounter. He should bear in mind that God has authority over all things, and can manifest it whenever He desires to do so, and that this is especially the case with regard to deeds of arms; for in his hand are life and death, the power to give and to take, and he can cause the weak to be strong and the strong to be weak. When he has made this prayer, he must remain upon his knees as long as he can endure it, while all the others stand; for the vigils of knights were not instituted as games, or for any other purpose but that they and the others present may ask God to preserve, direct, and assist them, as men who are entering upon a career of death.

### **LAW XIV.**

#### **How Knights Should Be Created.**

The sword is a weapon to which can be attached four significations, as we have already stated; and, for the reason that he who is to be made a knight should, by all means, possess these four virtues, the ancients ordained that

he should receive the order of knighthood by means of the sword, and not with any other arm; and this is done in the following manner. The vigil being over, as soon as it is day the candidate should, in the first place, hear mass, and pray God to guide his acts so that they may contribute to His service. After this, he who is to create him a knight should come and ask him if he desires to receive the order of knighthood, and if he says that he does, he must ask him if he will maintain it, as he ought to do, and after putting this question he should buckle on his spurs, or order some other knight to do so, and this should be done in such a way as will be suitable to the rank of the man and the position he occupies. This is done to show that, as the knight puts his spurs on his right and left foot to make his horse keep a direct course, in like manner, he should perform his deeds justly, so that he may not swerve to either side. The knight must also gird on the sword over the silken tunic which he wears, in such a way that the belt may not be very loose, but may fit closely to the body. This is for the purpose of symbolizing the four virtues, which we have stated should be thus considered. In ancient times, however, they established the regulation that when they created noblemen knights, the latter must wear all their armor just as when they went into battle, but they did not approve that they should have their heads covered, for the reason that those who did so, only acted thus for two reasons; first, to conceal something about their heads which caused them to make a bad appearance, and on account of a defect of this kind, they were permitted to cover them with anything that was handsome and elegant. The other reason why they covered their heads was, because the party had committed some improper act of which he was ashamed, and this is, under no circumstances, creditable to noble knights. For since they are about to receive such a noble and honorable distinction as the order of knighthood, it is not right that they should enter it with any feeling of shame or fear. After they have girded him with the sword, they should draw it from its scabbard, place it in his right hand, and make him swear the three following things. First, that he will not avoid death on account of his religion, if it is necessary; second, that he will risk it on defence of his natural lord; third, that he will risk it in behalf of his country. And when he has sworn this he should be given a slap on the neck, in order that he may retain in his memory the above-named matters, and at the same time it should be said: "May God guide you in His service, and permit you to accomplish all that you have promised Him here:" and, after this, he should be kissed as a symbol of the faith, peace and brotherhood which should be kept among knights. This all the knights who are present should also do, not only at that time, but through that year, whenever the new knight appears. For this reason knights should not seek for evil among one another, lest they break the faith pledged, unless after first challenging one another, as is set forth in the place where challenges are treated of.

#### LAW XV.

##### **How the Sword of a New Knight Should Be Ungirded, After He Has Received the Order.**

To ungird the sword is the first thing which should be done after a new knight has been created. For this reason great care should be taken in the selection of him who ungirds it from him. This should not be done except by some man who possesses one of the three following qualities, namely: he should either be his natural lord, who may do this on account of his obligations to him; or some man of rank, who acts through the desire he has to

show him honor; or some knight renowned in arms, who ungirds it on account of his excellence. This latter way the ancients agreed was preferable to the others, for they considered that it was a good beginning for what the new knight was required to perform; anyone of these ways, however, is valid and proper. He who ungirds his sword is called his godfather, for, just as godfathers at baptism assist in confirming, and consent that their godsons may become Christians, so he who is the godfather of the new knight, by ungirding his sword with his own hand, approves and confirms the knighthood which he has received.

#### **LAW XVI.**

##### **What Obligations New Knights Are Under to Those Who Created Them and to Their Godfathers Who Ungird Their Swords.**

New knights are under obligations not only to those who create them but also to the godfathers who ungird their swords, for, just as they are required to obey and honor those who confer upon them the order of knighthood, so, likewise, they are bound to act toward their godfathers who have confirmed them in it. For this reason the ancients decreed that a knight ought never to oppose with arms him from whom he received knighthood, except he did so in company with his natural lord: and that even then, while contending with him, he should as far as possible, avoid killing or wounding him with his own hands, if he did not see that he was desirous of killing or wounding his lord. Moreover, he should not act in deed, or by advice, in any way, to his injury, but should avert it, as much as possible, so that it may not take place, and, if he cannot do so, he should warn him of it; except, however, it is something which might result in harm to his lord if he did inform him, or to the injury of himself or to that of his father, if he has one, or his son, or his brother, or any relative on account of whom he would be required to demand the death of the other party. This means, however, that by the information that he communicates, death, loss of property, or dishonor might result to any of the persons aforesaid, for he should not fail to give notice of other matters excepting these.

In addition to all this, he should assist his godfather against every one who desires to do him wrong, except against those above mentioned, or against some other man with whom he, or his father, has made a covenant of friendship, for as long as this obligation exists he should avoid opposing those who have entered into it: and we decree that he should act in this manner towards him who has ungirded his sword, for the space of three years, but there are some who hold that this should last for seven years. Wherefore new knights, since they are so indebted to those who ungird their swords should, before the deed is performed, very carefully consider who those persons are whom they request to act as their godfathers by ungirding them.

#### **LAW XVII.**

##### **What Knights Should Observe When They Ride.**

Knights should conduct themselves, as the ancient sages declared, in such a way as to offer a good example to others; and for this reason they prescribed for them certain rules of life, having reference to their riding, as well as to their eating, drinking, and sleeping, and they regulated the former in this way: namely, that, when they rode through a town they should be mounted only on horses—that is those who are able to have them. They made this regulation because horses are more honorable than any other kind of mount, and also in order that they might practice riding, which is some-

thing very important for knights, and that when they rode, they might use more active and spirited horses, and trim their manes and tails better and more in accordance with their rank.

They also decreed that when they were obliged to ride outside of town they should go on their armored horses, so that, in case of emergency, they could inflict injury in their enemies, and avoid receiving it from them; and they made it a rule that when they rode they should not take another person behind them. They did this in order not to remove from view him who was in the saddle, and that he might not appear to be carrying a knapsack; for these things appear worse in a knight than in any other, because they are unbecoming and inelegant. They also established the regulation that when they rode through a town they should always wear cloaks, except when the weather was such as to prevent it; and, above all, they decreed that whenever a knight appeared on horseback he should always be girded with his sword, for this is, as it were, the badge of knighthood.

### **LAW XVIII.**

#### **How Knights Should Be Clothed.**

The ancients established the rule that knights should wear clothes of colored cloth so long as they were young, as, for instance, red, yellow, green, or purple, because these gave them an appearance of cheerfulness, but they did not deem it proper for them to wear black, gray, or any other color which might impart to them an appearance of sadness. They did this in order that their dress might be elegant, and that they might be cheerful and their hearts be emboldened, so as to render them more valiant. And, although their clothes might be cut in many ways according to the different customs and practices of the country, nevertheless, all were required to make and wear their cloaks in the following manner, namely; they should be cut wide and long, and cover them as far as their feet, and enough cloth should be taken from both sides for a knot to be made above the left shoulder, contrived in such a way that the head could be inserted and withdrawn without hindrance. This was called the knightly cloak, and it was given this name because no other man but a knight had a right to wear it in this manner. The cloak was cut after this pattern as a sign that knights should be covered with humility, in order to obey their superiors. The knot was used because it represents, as it were, the tie of religion, and admonishes them to be obedient, not only to their lords but also to their commanders, and, for this reason they wore the cloak not only while they ate and drank, but also while they sat, talked, and rode. All their other clothing was clean and very elegant, each wearing what was prescribed by the custom of his locality. They did this in order that whoever saw them might be able to distinguish them from other people so as to show them honor. They established the same regulation with regard to armor that they did concerning the weapons which they bore, that is, that it should be handsome and richly adorned.

### **LAW XIX.**

#### **Knights Should Be Temperate.**

Eating, drinking, and sleeping are natural conditions without which men cannot exist. They should make use of these, however, in three ways; first, according to the time; second, with moderation; third, with propriety. For this reason knights were formerly accustomed to, as a rule, act in this manner, for, as in time of peace, it was their practice to eat at appointed times, so

that they could go to the table twice a day and eat good, and well-cooked, and palatable food, so, also, when they went to war, they ate but once in the morning and very little, and took their principal meal in the evening: and this was done for the reason that they might not be very hungry or very thirsty, and that if they should be wounded, they might be more readily cured. In those times they gave them coarse and strong meat abounding in fat, in order that they might eat but little of it, and it might greatly benefit them, and make their flesh strong and hard. They also gave them to drink weak wine mixed with much water so that it might not interfere with their understandings or their prudence, and, when fever was prevalent, they gave them a little vinegar mixed with much water to quench their thirst and not permit the fever to attack them, by which they would become ill, and this they drank during the day when they were very thirsty. They also drank during the day when they desired to do so. The ancients caused them to practice this in order that their eating and drinking might lengthen their lives and improve their health, and not deprive them of the latter, through eating and drinking too much.

In addition to all this, they derived another great benefit from it, as it lessened their daily expenses, so that they could the better accomplish daring deeds, which is something very becoming to those whose duty it is to make war. Moreover, they trained them not to be heavy sleepers, because this is very injurious to such as have important duties to perform, and especially so to knights who are engaged in hostilities. For this reason, as they permitted them in time of peace to wear soft and smooth linen, when they took their rest, so, in time of war, they were not willing that they should lie down, except in scanty and coarse cloth or in their pourpoints. They did this in order that they might sleep less, and be accustomed to the endurance of hardship, for they maintained that no quality which they could have was as good as to be victorious.<sup>1</sup>

## LAW XX.

### Accounts of Great Deeds of Arms Should Be Read to Knights While They Eat.

The ancients deemed it proper that knights should do the things which we have mentioned in the preceding law in a suitable manner; and therefore, they ordained that as in time of war they ought to learn the science of arms by sight and by experience, so in time of peace, they ought to acquire it by means of their hearing and understanding. For this reason they established as a custom that narratives of great deeds of arms performed by others should be read to knights while they ate, as well as accounts of their wisdom and power by means of which they were able to conquer, and accomplish what they wished; and where no stories of this kind were to be found, they caused them to have recourse to good and venerable knights who were familiar with such matters. They even did more than this, for they would not permit the jongleurs to sing any other songs in their presence but those of war or which related to deeds of arms. They also did this when they were unable to sleep, for each one caused

<sup>1</sup> The organization of the *equites*, a body of three hundred horsemen of higher rank and finer equipment than ordinary cavalry, traditionally ascribed to Romulus, was, perhaps, the prototype of the mediæval order of knighthood. The two, while possessing many common resemblances, present, however, marked points of difference. The Germans, as stated by Tacitus, had also a similar institution composed of their principal chieftains. Among the latter, as with the knights, the ceremony of initiation symbolized the formal admission of the candidate to the enjoyment of the more exalted privileges and graver responsibilities of the military profession, the *adoptio per arma*. Homage, implying dependence upon a superior, was such an essential feature of the life of the Middle Ages that a man above the rank of a serf who did not acknowledge fealty to a lord was an object of suspicion, and, to a certain extent, considered beyond the pale of the law. It was not unusual, in such instances, for the party to be compelled to attach himself to, and enter the following of, a suzerain. The accolade, at first given with the palm of the hand upon the neck, and afterwards with the flat of a sword-blade upon the head and shoulders, signified that this was the last blow that the knight should receive without resenting it, and was the most important and vital part of the ceremony of initiation.—Ed.



himself to be read to, or had the matters aforesaid related to him in his own lodgings. This was done in order that, hearing them, their minds and hearts might be enlarged and strengthened by the performance of good actions, and to awaken a desire to attain to what others had accomplished, or to surpass their efforts.

### **LAW XXI.**

#### **What Things Knights Are Required to Observe.**

The ancients ordained, that knights should observe certain things so that they might not err in regard to them. These are what they swore to when they received the order of knighthood and which we have mentioned, namely, not to avoid death on account of their religion, if it becomes necessary, nor, under any circumstances, listen to advice intended to diminish its influence, but rather to increase it as far as they are able. Moreover, that they should not hesitate to die for their lord, not only in order to avert misfortune and disgrace from him, but for the purpose of aggrandizing his dominions and his honor, as far as they can and know how to do so; and this they should do for the common benefit of their country. For the reason they were bound to observe this and not err in any way in regard to it, they formerly did two things to them; first, they branded a mark upon their right arms with a hot iron, which no other man but they had a right to bear; and second, they recorded their names, their descent, and the places where they were born in a book in which were inscribed the names of all the other knights. They did this so that when they committed a breach of any of the above named regulations they might be known, and could not escape the penalty which they deserved, according to the offense of which they were guilty. This was to be observed in such a way that they would not violate it in word, deed, or any act which they performed, nor by any advice which they gave to anyone else; and they accustomed them to observe every contract and oath which they made, or any signed agreement which they entered into with another party, so that they might not deny or contradict it. They also instructed them to endeavor, with all their power, to assist until they were free from their affliction any knight or lady whom they saw was suffering from poverty, or from any wrong which had been inflicted upon them, so that they could not receive justice, and for this reason they engaged in battle many times to defend the rights of persons of this description. Moreover, it is their duty to protect everything lawfully committed to their charge, defending it as if it was their own. In addition to this, they took care that knights should never pledge or stake their horses or arms—which are things that are very proper for cavaliers always to take with them—except when this was done by order of their lords, or on account of some great and apparent calamity under which they labored, and from which they could obtain no relief; and also that they should not make them the object of wagers of any kind. They held also that they should avoid making use of them for purposes of theft or fraud, and should not advise anyone else to do so; and among all other thefts that this should especially apply to the horses and weapons of their companions while they were in the army.

### **LAW XXII.**

#### **What Things Knights Should Practice and Observe in Deed and Word.**

Certain things should be done by knights which, on no account, they should omit, and these are of two kinds, namely: some in word, others in deed. Those which relate to speech are that they should not be low or intemperate in their language, or haughty except under certain circumstances where it is suit-

able; as, for instance, in martial exploits where they are compelled to reassure their followers and inspire them with a desire to do their duty, calling them by name, entreating them to do the best they can, and censuring them when they know they are guilty of errors, and do not act as they ought; and, in order that they may be the more inspirited, they deemed it proper that those who had mistresses might invoke them in battle, that their hearts might be emboldened and they be more ashamed to do wrong. They also considered it becoming that they should avoid falsehood, except under such circumstances where a lie may be productive of some great advantage; as, for instance, by averting danger which would happen if they did not conceal the truth, or result in some benefit by causing men to desist who were impelled to commit some great crime; or for the purpose of establishing peace or concord between those who were at variance; or in some other matter, where, by falsehood, evil might be avoided, or good produced. They also held that they should observe in deed the words which they had uttered while taking their oath, or rendering homage, or promising to perform some act, as we stated in the preceding law.

We moreover decree that they should be loyal and resolute in what they do: for loyalty will cause them to avoid error, and firmness will prevent them from shifting from one thing to another, which does not become defenders, for the latter are not uncertain in this respect. They should also cause their clothing, as well as the armor and arms which they bear, to be elegantly made and contrived for their own advantage, so that they may appear well to those who see them and be recognized, and may employ them usefully, each in accord with the purpose for which it was designed. Moreover, they should be economical, for if they are not so all their preparations will avail them nothing, and all those who act in this manner will be, in the words of the ancient sages, like a tree without bark, which looks badly and soon withers. They should also endeavor, to the extent of their power, to be crafty and active as we stated, which are two qualities which may be of great assistance to them in many places. And, above all, they should be obedient to orders, for although everything else, from the power of God downward, may help them to conquer, this is the crowning virtue of all.

### LAW XXIII.

#### In What Way Knights Should Be Honored.

Knights should be greatly honored, and this is the case for three reasons: first, on account of the nobility of their descent; second, on account of their excellent qualities; third, on account of the benefit of which they are the source. Wherefore kings should honor them as persons through whom they must act, by protecting and honoring themselves along with them, and by contributing to their power and their distinction. All others, together, should show them honor, because they are to them as a shield and a defense, and have to encounter all dangers which arise in order to protect them. Hence, since they expose themselves to peril in many ways in order to perform the aforesaid acts, they should be respected in many ways, so that no one should stand in church in front of them, when they are present at the service, except the prelates and the other priests who conduct it, or kings, or great lords whom they are obliged to obey and serve. Nor should anyone else take precedence of them in making an offering, or in receiving the salute of peace; nor, while they are at their meals, should any squire, or any other person, except a knight, or some man who merits it on account of his rank, or his excellent qualities, sit down with them; nor ought anyone else but a knight, or some other eminent man, use abusive language to them. They should, moreover, be honored in

their own houses, and no one should enter them with violence except by command of the king or by order of a court, in cases where they have deserved it; nor should their horses or arms be taken in execution, where any other movable or immovable can be found liable to seizure. And, although nothing else may be found for this purpose, their war-horses should not be taken, or they compelled to dismount while they are riding other animals, nor should their houses be entered for the purpose of making a levy, while they and their wives are there. There are special cases, however, in which they can appoint a certain time within which to leave their houses, and surrender them and their contents.

The ancients also attached so much importance to the honor of knights that they not only avoided seizing any property where they and their wives were, but also where they found their cloaks and their shields; and they conferred upon them another mark of distinction, for wherever men met them, they humbled themselves before them, and it is still in our day customary in Spain, to say to good and eminent men: "We humble ourselves." After a knight has been created he is entitled to still another honor, for he is eligible to the dignity of emperor or king, which he was not before, just as no priest can be a bishop if he has not previously been ordained to say mass.

#### LAW XXIV.

##### What Superiority Knights Have Apart From Other Men.

Knights are, above other men, entitled to recognized and separate marks of honor, not only in those matters mentioned in the preceding law but also in others which we shall state here. This applies where a knight is engaged in a lawsuit, in which he or his attorney expects to obtain judgment, and he neglects to interpose any defence by means of which he can gain his case or defend himself from the claim against him, so that, before his defence was filed, judgment was rendered against him. In an instance of this kind, he can afterwards make a defence, and where he proves his case by attorney, the judgment will not affect him; which no other man can do unless he is under the age of twenty-five years. Moreover, when a knight is prosecuted for an offence which he has committed, although such indications or suspicions may arise against him, which, in the case of another man, would cause him to be tortured, the knight should not be put to the question, except for an act of treason which concerns the king whose subject or vassal he is, or the kingdom in which he lives, by reason of the privilege of birth which he there enjoys. We also decree that even though the crime were proved against him, he ought not to suffer an ignominious death, as for instance be dragged, hanged, or mutilated; but he should be decapitated according to law, or starved to death, when it is desired to manifest great severity against him on account of some offence of which he is guilty.

The ancients of Spain, when knights employed themselves in stealing, or robbing others of their property, or committed perfidy, or treason (which are deeds which render men vile in heart and deprive them of goodness) and were convicted of such serious offences, ordered that they should be thrown down from some lofty place that they might be dashed to pieces, or that they should be drowned in the sea or in some other body of water, so as never to be seen again, or they delivered them up as a prey to wild beasts.

In addition to all this, knights have still another privilege, namely, that while they are with the army, or absent on a mission of the king, or engaged in the performance of any other duty which especially pertains to his dignity or service, and are acting under his commands, during all the time that they are thus absent from their homes, for the reasons aforesaid neither they, nor

their wives, can suffer any loss through limitation of time. And if any person states that he has obtained something from them, by reason of a certain time having elapsed, they can demand it of him by way of restitution, within four years after the day when they returned to their homes. Where, however, they do not bring suit within this period, they cannot afterwards do so. They also enjoy still another privilege; for knights can make wills or bequests in any way which they desire, although in making them all those matters may not be observed which should be inserted in the wills of other men, as is set forth in the laws of the Title which treat of this subject, in the Sixth *Partida* of this our book.

### LAW XXV.

#### For What Reasons Knights Lose the Honor of Knighthood.

For knights, by their own fault, to forfeit the honor of knighthood, is the greatest degradation which they can undergo. The ancients, however, considered that this could justly happen only in two ways: first, when they were merely deprived of the order of knighthood, and no corporeal penalty was inflicted upon them; second, when they committed such offences as to deserve death; for in an instance of this kind they should be deprived of knighthood before being executed. The reasons for which they can be deprived of knighthood are the following: for instance, when a knight is with the army or on the frontier by command of his lord, and sells, or disposes of his horse or his arms; or loses them while throwing dice; or gives them away to bad women; or leaves them in pledge in some drinking house; or steals those of his companions or has them stolen; or where he knowingly makes a man a knight when he should not be one; or where he engages openly in trade, or labors with his hands in any vile employment to obtain money, when he is not a captive.

The other reasons for which he should lose the honor of knighthood before he is put to death are as follows: for instance, where knights fly from the battle field; or abandon a lord, or a castle, or any other place which they hold subject to his orders; or where they see him taken prisoner or killed, and do not hasten to his assistance; or do not provide him with a horse if his own is killed; or do not liberate him from prison, in any way they can, when they are able to do so; for, though sentence must be executed for these reasons, and for others whether they relate to perfidy or treason, he must nevertheless be degraded before he is put to death. He must be deprived of knighthood in the following manner, namely: the king should order a squire to put on his spurs and gird on his sword, and to cut his baldric with a knife at the shoulder, and also to cut the straps of his spurs while he is still wearing them.<sup>1</sup> After this is done he should no longer be called a knight, and he loses the honor and the privilege of knighthood; and he ought not to be appointed to any office in the king's gift, or in that of the Council, nor has he the right to accuse or challenge any knight.

<sup>1</sup>This is suggestive of the modern method of degrading a military officer who has been convicted of an offense calling for his disgraceful dismissal from the army. The modes of procedure in both cases are practically identical.

## TITLE XXII.

### Concerning Commanders, Light Cavalry, and Foot-Soldiers.

In the preceding Title we described the knights, and now we intend to treat of commanders, light cavalry, and foot-soldiers, all of whom are very necessary in time of war. We shall speak in the first place of commanders, and what kind of men they should be; why they are so called; what matters they should be skilled in; how they should be selected; who has power to appoint them; and in what way they should be appointed. We shall also show what kind of men should compose light cavalry; how they should be enlisted and what men they should select to take with them to war.

### LAW I.

#### What Qualities a Commander Should Possess, What Kind of a Man He Should Be, and Why He Is So Called.

The ancients declared that a commander should possess four qualities; first, intelligence; second, strength; third, good natural prudence; fourth, loyalty. They should be intelligent, in order to protect armies and enable them to avoid bad measures and dangers; and they should be wise, so as to be able to guide armies and expeditions, not only those that are openly, but also those that are secretly conducted, directing them to places where they can find water, wood, and grass, and all take their rest together; they should, moreover, be acquainted with localities which are favorable for placing ambuscades of infantry as well as cavalry, and know how to instruct them to remain silent while there, and to come forth when it is necessary.

It is also proper for them to become well acquainted with the country which they are about to overrun, and where they have to send foraging parties; and this in order that they may do so more quickly and better, and depart in safety with their spoil; and they should understand how to place scouts and sentinels, not only those which mount guard publicly, but others called secret sentries; and also how to obtain information of their enemies, in order always to have knowledge of their movements. When they are unable to do this in this way, they should exert themselves to seize persons belonging to the neighborhood where they are making war, in order that they may learn from them certainly the condition of their enemies, and in what way they should attack them. One of the things to which they should pay much attention is to ascertain what provisions the army as well as the foraging parties should take with them, and for how many days, and they should know how to make them last longer, if it becomes necessary. Hence the ancients who were well skilled in war, had such a desire to inflict injury upon their enemies that they carried their food tied up in paniers and bags, whenever they went on predatory excursions, and did not wish to take other animals with them. They did this in order to travel more rapidly and more secretly, the higher in rank they were the more pride they took, and they considered themselves superior in knowing how to endure hardship and to subsist on little in time of war. They acted thus in order to conquer their enemies, for it appeared to them that no reward and no pleasure in this world was greater than this; and because they carried their rations, as above stated, they afterwards called it their store of provisions.

Therefore commanders should be well informed concerning all the matters which we have mentioned in this law, in order to be able to explain them to

all other men, so that they may become familiar with them; and that, in the performance of their duties, men will willingly obey their orders, not only those of emperors and kings but those issued by others engaged in war, under whose direction they are to act, and, for this reason, their authority is very great. Such as are unwilling to obey their orders should suffer the penalty which the king finds they deserve, in proportion to the injury which those forming the expedition sustained on account of their disobedience.

They must also be bold of heart, so that they may not be overcome or dismayed by dangers, when they come upon them, as, for instance when they lose the way which they desired to take, and come into a more dangerous neighborhood; or when a great force of the enemy suddenly attacks them by surprise, when they are few in numbers; or when other accidents of this kind happen to them; and they should, above all, have good, bold hearts, in order to strengthen and comfort themselves and others, and put their own hands to the work and render them good assistance by this means whenever it becomes necessary. For it is not right that such persons should spare their own bodies, while others under their command are risking theirs. Not only should they be bold in action but also in speech, so that they may be able to encourage and console others by this means; for it is a true saying of the ancients, that good courage often conquers bad fortune.

Commanders should also be endowed with sound, natural prudence, in order to be able to make use of these qualities, namely, wisdom and courage, each in its proper place. They should know how to reconcile men when they are at variance, and they ought to share with them what they have, and also honor and reward faithful soldiers who form part of the armies or the foraging parties which they command. But, above all other things it is fitting that they be loyal, so that they may know how to love their religion, their natural lord, and the troops which they command; so that neither hatred, ill-will, nor avarice, may induce them to do anything contrary to this. For, since those under their command, trusting in their fidelity, place themselves in the power of their enemies, or venture into places where they have never entered; if their commanders are not loyal, their treason will be more serious and more injurious than that of any other man, because they can inflict upon those over whom they have control all the harm which they desire; for which reason it was formerly decided that a commander should possess all these four qualities; and therefore they were called *adalides*, which means guides, because they must possess all the qualities aforesaid, in order to be able properly to direct armies and foraging parties in time of war.

## LAW II.

### How Commanders Should Be Selected, and Who Has Authority to Do It.

In ancient times, those who were skilled in war established certain rules for the appointment of commanders which also stated how their lords should honor them, and in what matters they should give them authority, and we desire to explain this in these laws, for it is something which is very essential to warfare. Wherefore, we decree that whenever the king, or any other lord desires to appoint a commander, he shall summon twelve of the wisest commanders that can be found, and these, after being sworn to tell the truth, must state whether he whom it is intended to appoint commander, possesses the four qualities which we have mentioned in the preceding law; and if they state under oath that he does, he should then be appointed. If the lord cannot find a sufficient number of commanders to give this testimony, the places of those who are wanting should be filled with other men who are familiar

with war and its operations, and where they give their testimony along with the others it is as valid as if they were all commanders.

The latter should be selected in this way, and in no other; for the lord by himself cannot appoint a commander, nor has he power to do so even if the party is fitted for the place, unless he be an emperor or king or some one representing him. Where anyone ventures to do this who is not one of the persons mentioned in this law; or if another person, on his own responsibility, assumes power to act as commander—even though he should be fit for the office—they shall both lose their lives on this account, for the reason that they attempt to do that for which they have no authority; and where they cannot be found, they shall forfeit all their possessions.<sup>1</sup>

### LAW III.

#### **How a Commander Should Be Appointed, What He Who Appoints Him Should Give Him, and What Honor He Obtains After He Has Been Appointed.**

Anyone whom it is desired to appoint a commander, should be honored in the following manner. He whose duty it is to promote and appoint him, should provide him with clothing, a horse, arms of wood and iron, according to the custom of the country; and a nobleman who is a lord of knights should be ordered to gird on his sword, but he must not give him a slap on the neck. After he has girded him, a shield should be laid upon the ground with the hollow part of it above, and he who is to be appointed commander must stand upon it, and the king, or whoever is performing the ceremony, should draw the candidate's sword from its scabbard and place it naked in his hand. Then the twelve who gave their testimony for him should raise him on the shield as high as they can, and while holding him in this way, they should immediately turn his face to the east, and he must make with the sword two kinds of blows, first raising his arm above and striking downward, and the other blow he should strike in a transverse direction, this forming a cross, and saying at the same time: "I, So-and-So, in the name of God, defy all the enemies of the Faith, and of my lord the King, and of his country." He should do and say this, turning each time he says it to the other three quarters of the world.<sup>2</sup> Then he should, himself, put his sword into the scabbard, and the king should place a banner in his hand, if he promotes him to be a commander, and say to him at the same time: "I appoint you commander from this time forward;" and where anyone else does this in the name of the king, he should place the banner in his hand and address him as follows: "I appoint you commander in the name of the king;" and from that time he is entitled to bear arms, and to have a horse and a banner, and sit at the table with knights, whenever he happens to be with them; and he who offers him any indignity must be punished just as if he had treated a knight in this way, on account of the honor of the king. After he has been made commander, as above stated, he is authorized to control men of distinguishing rank and knights by reprimand and light cavalry and foot soldiers by blows and punishments, but not in such a way, or in such a place, that they may be injured.

<sup>1</sup> This limitation of the power of the lord in the appointment of officers is probably a reminiscence of the elective system of the Goths, ever jealous of their independence and their right to select those who were to exercise authority over them.—Ed.

<sup>2</sup> The promotion of any one to an important military dignity by the army, was, in accordance with the custom of antiquity, thus published and ratified by his elevation upon the shields of his comrades.—Ed.

## LAW IV.

**For What Reasons Commanders Should Be Appointed with Marked Ceremony, What Authority They Have, and What Punishment They Deserve If They Do Not Perform Their Duties Well.**

The ancients ordained that commanders should be appointed in an honorable manner, as we stated in the preceding law. They did this for several reasons; first, on account of the great deeds which they achieve by means of them; second, on account of the great dangers to which they are exposed, and also because of the power which they have to determine many things which other men cannot do. For they have authority to decide all questions arising from those composing foraging parties; and they must be present with them to divide what they obtain, and have restoration made for what they lose. They also have authority to command light cavalry and foot soldiers, and to place sentinels by day and to appoint sentries and patrols at night. It is their duty to direct the movements of foraging parties and ambushes, each as it should be done. They have the right to appoint commanders of foot soldiers, as stated in the law which treats of this subject, and, for this reason, they should be wise and extremely prudent in order to select proper men for the above-named duties; and if they do not act in this way they should be punished both in person and in property, in proportion to the evil resulting from the offenses which they have committed. Where, however, the offense was not caused through the fault of the commanders, but through that of those whom they appointed, then the others, who did not discharge their duty, should suffer the penalty aforesaid.

## LAW V.

**What An Almocaden Is, and What Are the Duties of Him Who Is Made One.**

Those formerly called commanders of foot soldiers, are now called *almocadenes*. These are of great advantage in war, because foot soldiers can enter places and perform deeds which horsemen cannot. For which reason when a foot soldier desires to become an *almocaden*, he should act in the following manner, namely; he must go first to the *adalides*, and convince them by whatever arguments he can that he deserves promotion. Then twelve *almocadenes* should be summoned and compelled to swear, and tell the truth as to whether he who seeks this office possesses four qualities; first, whether he understands war, and how to lead those who accompany him; second, whether he is strong, in order to perform warlike deeds and dominate his soldiers; third, whether he be active, for this is something which is very proper for a foot soldier—in order that he may quickly reach what he has to seize—and he should also know how to cure wounds when urgent necessity arises; fourth, whether he is loyal, in order to be a friend of his lord and of the troops which he commands. These are the qualifications which a commander of foot soldiers should have at all times.

When those selected have testified that the applicant possesses these four qualifications, they should conduct him to the king or to some other officer of the army, or the foraging party, stating that he is a good man for the office of *almocaden*. After they have presented him to the king, the latter should furnish him with new clothing, according to the custom of the country, and should give him a lance with a small pennon, to mark the halting place of an army; and this pennon should bear whatever device he wishes, so that he may be recognized by it and be better protected by his troops, and also in order that they may know whenever he conducts himself improperly, or well.



## LAW VI.

**How an Almocaden Should Be Made, and What Punishment He Deserves If He Does Not Make Proper Use of His Office.**

The twelve *almocadenes* having made oath in favor of him whom they desire to promote to their office, as stated in the preceding law, they should take their lances, and cause the candidate to stand upon the shafts, holding them in such a way that they will not break and he will not fall, and raise him four times from the earth, facing the four quarters of the world; and each time he must repeat the same words which we stated above should be pronounced by the *adalid*, and while he repeats them, he should hold his lance with its pennon in his hand, with its head always directed towards the quarter to which he turns his face. Even if a party has qualifications which would entitle him to be an *adalid*, he cannot become one, unless he has served a certain time as a light horseman; and as the ancients said whatever goes well should always progress and rise from one rank to a greater one; so a good *almocaden* is made out of a good foot soldier, and a good light horsemen out of a good *almocaden*, and a good *adalid* out of him.

This is the way in which an *almocaden* should be appointed, and whoever appoints one in any other way should lose the place he holds for venturing to do so, and he should suffer other punishment as well, if from his obtrusiveness any injury results through the fault of the illegally made *almocaden*; and the penalty which he who made him should undergo ought to be in proportion to that injury; but where he is properly appointed, as above explained, he who created him *almocaden* will not be at all to blame if he commits any offence, but he himself should suffer for it according to the nature of his act. We declare that the same rule shall apply where his troops refused to obey orders, and that they should be punished in proportion to the injury resulting from their disobedience; this, however, is understood to apply to cases where the *almocaden* cannot prevent it, for, if he is able to do so, he should bear the blame and suffer the penalty.

## LAW VII.

**What Kind of Men Foot Soldiers Should Be Throughout the Country, and How They Should Be Chosen and Equipped.**

The frontier of Spain is naturally hot, and animals born there are larger and of stronger constitution than those which belong to the older country. For which reason the infantry who march with the *adalides* and *almocadenes* to engage in warfare, should be physically qualified, accustomed to, and prepared for, exposure to the open air and the hardships of their calling; for, where they are not of this description, they cannot long remain healthy, even though they be astute and valiant. Wherefore commanders of horse and of foot should be very careful to take with them in their foraging excursions and other warlike enterprises foot soldiers practised in war and used to the privations which we mentioned above; and they should also see that they are active, crafty, and have well made limbs, in order to be able to endure the hardships of war, and that they are always provided with serviceable lances, javelins, knives, and daggers. They should, moreover, take with them men who know how to shoot with the crossbow and are provided with the equipments pertaining to archery, for soldiers of this kind are very effective in warfare. And when they are of such as these, the commanders of horse and foot should have great affection for them, and honor them both in word and deed, and divide with them the booty which they take together, as has been

previously stated; and where it happens that infantry of the description above mentioned cannot be obtained, they should prefer to enter the enemy's country with a few good foot soldiers, than with many bad ones.

## TITLE XXIII.

### Concerning the War Which All Persons on Earth Should Engage in.

War is of two kinds, one bad, the other good. And although each of these can be divided with relation to the deeds to which it gives rise, nevertheless, so far as the name and the manner of making it are concerned, both are one and the same thing; for engaging in hostilities, although it involves destruction and the inciting of dissensions and enmity among men, yet, when it is carried on as it should be, it afterwards brings peace, from which result quiet, rest, and friendship. For this reason the ancient sages declared that it was well for men to endure the hardships and dangers of war, because, by this means, they eventually obtain beneficial peace and rest; and since the evil inherent in it is productive of good results, and on account of the mistrust which compels men to engage in war, those who desire to inaugurate it should be well informed before they begin.

Wherefore, since in the preceding Title we have spoken separately of knights and commanders, and of the things which they are required to observe and do, we intend to show here in the laws of this Title what wars it is proper both should engage in, with consideration of the two different advantages which may be obtained by their country through war; first, by learning how to protect and defend it from its enemies; second, how to aggrandize it by obtaining their property. In the first place, we shall show what war is; how many kinds there are; for what reasons it should be made; with what things those who desire to make it should be provided and equipped; what kind of men those who are selected to act as commanders in the war should be; what they should do and observe; how all the rest of the people should be governed by them; and what benefit arises from this control. We shall also show how many kind of bodies of troops there are; and how they should be divided when they have to invade a country or go into battle; and also how the officers should be vigilant while in command of an army when it marches from one place to another, or when they select a camp for the night, or desire to lay siege to a town or castle; and, above all, we shall speak of foraging parties, ambuscades, forays, and all the other kinds of hostilities which men engage in.

## LAW I.

### What War Is, and How Many Kinds There Are.

The ancient sages who treated of the subject of war stated that it is hostility to peace, the motion of things that are quiet, and the destruction of things that are complex. They also described war as something from which proceeds the death and captivity of men, and the injury, loss, and ruin of property. There are four kinds of war. The first is called *justa*, in Latin, which means, in Castilian, founded upon right. This happens where a man engages in it to recover his own property from the enemy, or to protect himself and it from them; the second is called, in Latin, *injusta*, which means a war instituted through pride, and contrary to what is right. The third is called *civilis*, which means one which arises among the inhabitants of a certain locality, as among factions, or in a kingdom on account of some disagreement which the people have among themselves. The fourth is called *plusquam civilis*, which means a war in which not only the citizens of some locality contend with one another, but also where relative is arrayed against relative, by

reason of faction; as was the case with Caesar and Pompey, who were respectively father-in-law and son-in-law, and in which war Romans fought, fathers against their sons, and brothers against their brothers, some of them supporting Caesar and others Pompey.

## LAW II.

### For What Reasons Men Are Impelled to Make War.

The inauguration of war, is something which those who wish to make it should carefully consider before they begin, in order that it may be carried on with reason and justice, for, by doing this, three great advantages are obtained; first, God will afford greater assistance to those who institute it in this manner; second, they will exert themselves more strongly on account of their being in the right; third, those who hear of it, if they are friendly, will assist them with greater good will, and if they are hostile, will withdraw themselves more from them. The right to maintain a just war, is as the ancient sages explained, based upon three considerations; first, to expand the religion of the people, and to destroy those who wish to oppose it; second, for the sake of their lord, by desiring loyally to serve, honor, and defend him; third, in order to protect themselves and aggrandize and honor the country in which they dwell.

A war of this kind should be made in two ways, namely; one on enemies who are within the kingdom, who are doing harm to the country by robbing and unjustly depriving men of their property—for kings and those who have the right to sit in judgment should oppose such as these, and see that justice is executed upon them and the whole body of the people should fight them, in order to eradicate and expel them. For, as wise men stated, persons of this kind are malefactors in the kingdom, and resemble poison in the body of a man, who cannot be well as long as it is there. Wherefore, it is proper that war should be carried on with men of this kind, by pursuing them and inflicting upon them as much injury as possible until they are driven from the kingdom or killed, (as we stated above in the laws of the Title treating of this subject,) in order that the people who inhabit the land may be able to live in peace. The second kind of war of which we intend to speak here, is that which is carried on with enemies outside the kingdom, who desire to deprive the people of their country by force, and for the purpose of protecting them in what they should justly possess. We desire to show how this kind of war should be made, as established by the ancient sages, who, as well as other knights, thoroughly understood it, because they were well informed on the subject through their own operations and practice during a long period of time.

## LAW III.

### With What Supplies Those Who Make War Should Be Provided and Furnished.

The people, when they desire to make war against their enemies, should be provided thoroughly and in many different ways not only with men, horses, arms, and money, but also with military engines and tools, and everything else which is necessary for the purposes of attack as well as defence; for there are some of these things which are adapted to some operations, and others to others. Therefore they should be ready in time, so as to have all these supplies and not be lacking in them, for if there should be a deficiency when they are needed they will be destroyed and can obtain no advantage, and their wishes will be unfulfilled and they will be thought persons of little prudence.

They should, moreover, be vigilant, in order always to know the condition of their enemies, and be constantly on their guard so that they may not acquire any information concerning them; and, for this reason, they will protect themselves and their property when they wish to make war for their own advantage, and show themselves to be men of prudence. When they do not act in this manner the opposite will happen to them, for they will be ill-treated and sustain loss, and the war will be to their injury, and they will also be considered men of but little caution.

#### LAW IV.

##### **Who Should Be Chosen as Generals in War, and for What Reasons.**

Generals occupy a position of great honor, for, without them, nothing can be done by common consent, and this is true of all matters, not only those which are trifling, but those which are important as well. Wherefore, since in the most vital and dangerous enterprises great attention should be paid to this, we desire to describe here what kind of men should be selected as generals, and to show, according to the opinions of the ancients, for what reasons this should be done; and we, therefore, decree that men should be chosen generals for one of the three following qualifications. First, on account of their lineage, for this makes man noble, honorable, and highly esteemed, and hence he can be chosen as a general, although he may not be very prominent, or very learned. The second is, on account of their power, as is the case with emperors, kings, and other lords, who occupy honorable and exalted positions. For although these may not be of very distinguished lineage, or very learned, they become generals solely on account of the sovereignty and the power which they exercise. The third, which is derived from wisdom, is of greater force than either of the other two which we mentioned; for when either he who becomes a general through his rank, or he who obtains the office through power, is not well informed, it is proper, by all means, for him to have recourse to such as know how to make war. Wherefore, in everything relating to warfare great attention should be paid to this, namely; that persons of eminence as well as those of good lineage, by whom men are commanded and governed, should have practice in, and knowledge of, command; for such as are not so may bring matters to such a pass that neither authority nor birth will be of any avail; and it is but natural and reasonable for a man to go to look for what he desires where he knows he will find it and can obtain it.

#### LAW V.

##### **Generals Should Be Valiant Against Their Enemies.**

Valor, skill, and prudence are three qualities, which in all respects are becoming to those who desire to make war successfully; for, through valor, they will be enterprising; and, through skill, masters in making war, by protecting themselves and inflicting injury upon their enemies; and prudence will cause them to employ each of these at the proper time and in the proper place. For which reason those ancients who discussed the subject of war, held that though all, in common, should possess this attribute, it was more suitable for generals than for other men, since they have the power of command; as they should be valiant in order to face dangers, and accustomed to the use of arms through knowing how to bear them, and employ them to advantage. They must also be skilled in, and masters of, the art of war, not only in enduring the hardships and perils which result from it, but they should also understand how to direct other men in what way to conduct it, and be able to issue their orders to them, and make use of them for this purpose before they begin

operations, so that when they are engaged in hostilities they may be prepared, and know how to proceed. For this reason the ancients considered it so important for men to be accustomed to be commanded, that their officers showed them not only how they should obey by the use of words, but also by signals which they communicated to them. They did this in order that the enemy might not understand what they told them, or obtain any information from this source; for one of the means by which men can most readily inflict injury upon their enemies is by carrying out their measures secretly. The ancient sages also took care, above all else, that a general should be naturally prudent, so that he might know how to protect his honor whenever it was necessary, and preserve his valor and wisdom, each in its proper place—because prudence is most essential—and be able to make use of each of the other qualities where it becomes necessary, for he employs valor in undertakings that he thinks he can accomplish, and knowledge where it is proper to do so; and he changes his practice in one way and another according to circumstances, and he causes his honor to perceive where it should be protected. And since prudence is superior to all lineage and power, generals have more need of it than other men; for if every man has occasion for it in order to govern himself in time of peace, how much more does he require it who is engaged in warfare, and must command himself and many more.

The ancients also declared that commanders should possess two qualities which appear to be of a contradictory character; first, that they should be loquacious; second, that they should be silent. For they should be good reasoners and ready of speech, so as to know how to address their soldiers and instruct them and explain to them what they have to do, before they go into action. Their speech, moreover, should be agreeable and bold, in order to inspire them with comfort and valor, when they are engaged in battle. A general should be silent, so that he may not be continually talking on account of which his conversation will be despised by men; nor should he, moreover, boast too much of what he has done, or relate his achievements in any other way than that in which they occurred, for by praising himself he diminishes the honor of his deeds and renders them contemptible; and, by relating them untruthfully, he will be found to be deceitful, and will not be believed in other matters in which he should be. For which reason a general, by whom the entire army is to be commanded, should be gifted with all the above-named qualities. If the emperor, or king, or other lord whose interests are concerned, is endowed with all these attributes he will be the greater for that reason; and if he is not, a man should be selected for this office who does possess them, and by whom the king himself and others may be commanded, for war is full of dangers and chances, and, moreover, a fault which is committed in conducting it cannot well be corrected afterwards. For this reason a general should not be selected except on account of his prudence and great talents for command.

#### **LAW VI.**

##### **Generals Should Be Acquainted with What They Have to Do, Before They Act.**

The exercise of care is one of the natural qualities which men possess, for as they cannot do without eating, drinking, and sleeping, at their proper times, so they cannot avoid reflecting upon matters. Wherefore the ancient sages, who discussed everything thoroughly, declared with great reason, that since thought is something which cannot be avoided men should make use of it as far as they can, in a way which will result in their benefit, and not in their injury. And, although this should be borne in mind in everything which men

do, it is much more important in affairs relating to war, which are pregnant with danger and fear; and, therefore, commanders should, before they proceed to action, be careful to reflect upon any matters concerning which they may feel apprehension or anxiety. By doing this they will acquire knowledge of their duties and be able to perform them better and more efficiently, and avoid sustaining injury and incurring shame, which are two things which men should carefully shun on all occasions, and especially in time of war; for the thought which arises simultaneously with the deed is injurious, because one is a hindrance to the other. Moreover, those who act in this manner show that they are imprudent, and do not pay proper attention to what they have to do before they act; and, therefore, generals should be cautious, as we stated above, and examine undertakings before they engage in them, and carefully consider the fear and danger which attend warlike deeds, and be apprehensive when they reflect upon them, and forget them when they go into action. For the thought which will then bring to their remembrance the fear and danger to which they may be exposed, will be such an obstacle in their way that they will not be able to perform good deeds, or obtain any advantage from them; but they will be considered unfortunate and will acquire the reputation of being timorous. For which reason they should not think of such things at that time but of those that will give them courage to accomplish their undertaking, by means of which they may obtain honor and distinction.

#### LAW VII.

##### Generals Should Always Endeavor to Obtain Superiority.

For a man to place obstacles in the way of his enemies, when he is compelled to engage in battle with them, is one of the things in the world which, as the ancient sages declared, is of the greatest assistance in deeds of arms; for this is the way to destroy them without great injury to one's self. For which reason a general, in order to accomplish this, should always attempt to attain the advantage of superiority; as, for instance, when he has but few troops, and the enemy are many in number, and he is aware that he cannot attack them with safety or avoid fighting them, he should seek some locality where he can inflict injury upon them, so that his superior advantage of position may counterbalance their superiority in numbers. Where his troops equal those of the enemy, he should, nevertheless, not avoid securing the advantage, so that if the sun strikes them in the face he will contrive, if he can, that it may strike the others instead; and if not, that the disadvantage may be divided between them, so that the rays of the sun may strike his followers on the left side, and the enemy on the right. We declare also that he should see, if it is very windy, that the wind blows in the faces of the enemy, and interferes with their orders, or carries dust and does them harm by preventing them from seeing, or obscures the devices on their arms, so that they cannot be recognized. He should also be sure, if the enemy has foot soldiers in his army and he has none, to order a certain number of his knights to harass them, so that the infantry may be so occupied with them that they cannot advance along with their cavalry. He should also be very careful, if he is in a place where there are hostile infantry and he cannot make them advance, not to attack them behind fortifications, nor on the summit of a mountain, nor in a disadvantageous situation, but he should endeavor to draw them out into the open field, if he can do so. For as foot soldiers have the advantage over cavalry on high ground, on the other hand, cavalry have the advantage over them in the open fields, on account of their horses and arms which give them superiority, as well as by reason of the ground by which their movements are not impeded. Wherefore commanders, in cases

like those above and in others similar to them, should always be careful to obtain the advantage in the best way they can, so that they may conquer their enemies without injury to themselves.

### LAW VIII.

#### **What Things Generals Should Practise, in Order to Be Able to Make Use of Their Soldiers in Warfare.**

Practice and skill are two things which enable a man to understand what he desires to do, and if these should be observed with regard to the mistakes which men commit which may be remedied, how much more should attention be paid to them in deeds of arms and war, in which when errors arise they are not easily corrected. For this reason officers should require those under their command to do the two following things; first, to be skilful in, and familiar with, deeds of arms; second, to practice them; and the knowledge which they should have is that they should consider how they may be able to inflict the greatest possible damage on their enemies, and be able to make defensive armor by means of which they can protect themselves, so as not easily to receive death or injury from the hands of their foes. They should also understand how to make the arms which they bear, so as, by means of them, to inflict the greatest possible harm upon those with whom they are at war. In order that men may know that there is a distinction between armor and arms, we state here that everything with which men clothe themselves, or put on their bodies to protect them is called armor; and everything used for the purpose of inflicting blows, are called arms, as we have stated above in the Title concerning knights.

Moreover, they should be well informed, so that they can direct the arms, as well as the armor which they bear, to be made strong, light, and elegant; for the strength of the armor protects them better, and they are then enabled to endure more; and with strong weapons they can inflict greater damage, and do it sooner. Elegance gives those who use them a finer appearance, and causes them to be more feared by their enemies. Lightness renders them easier to handle, and enables them to make a better use of them, and this includes both those that are defensive and those that are offensive; for it would seem very absurd if he who wears armor or carries arms to defend himself from death or imprisonment by another, should be killed or taken prisoner by reason of his being hindered by them. Wherefore it is not only suitable for knights to know how to wear such armor, and use their arms as we have stated but they should also understand how to arm themselves with them, and do this early, so that they may be masters of their weapons and not their weapons masters of them. We give the same instructions concerning their horses, for they ought to try them beforehand, and ascertain how they act, and how they permit themselves to be bridled, saddled, and clothed with armor, so that, when they go into action, they may have everything ready and sure, and fail not when needed.

They should, moreover, know how to ride, and to dismount quickly as well from the right side as from the left; for this is something which is productive of great advantage, as when in great haste one may fall, and if he has no one to help him, or does not know how to ride, he may be killed or captured. They should also understand how to handle the arms which they carry, so as to be able the more readily to kill their enemies, or take them prisoners. All these things they should practise, and their generals should compel them to do so, because such experience makes them skilful in everything which we have mentioned, and it also causes serious matters to be considered trifling; and, above all, it makes men sure of the things which they require,



and which they ought to do, and, in addition to this, it renders them more obedient to their commanders. Wherefore the king should punish those who do not practise these exercises in proportion to the damage which results from their conduct, which does not include the injury they sustain as the result of their negligence.

#### **LAW IX.**

##### **How Soldiers Should Be Subject to the Commands of Their General, and How He Should Act to Conceal His Own Movements and Learn Those of the Enemy.**

Commands, as those who were skilled in arms and warlike deeds have said should be given in two ways; first, by words; second, by deeds; and those given by speech are such as a commander gives to his troops so that they may observe great secrecy and what they wish to do may not come to the knowledge of their adversaries, but that they may obtain information of the movements of the latter, as stated in certain laws which we have already given. For, as it is an act of flagrant treason for men to reveal secrets of which they are in possession, and great injury results from it; so, on the other hand, those who endeavor to obtain intelligence concerning their enemies, manifest their loyalty, and great benefit will result to them from it. Moreover, men should be directed early to become accustomed to do what they are commanded, and to understand by a few words what is said to them and as signals are employed for good reasons, namely: that they should recognize those made to them and act in accordance with them, just as if their orders had been given them in words; these are two things which a general as well as those under his command should practise, in order to be able to act more quickly and without observation. If the enemy should happen to become acquainted with his signals he should change them for others that he may have constantly in his power the skill and ability to conquer his enemies, and not give them the advantage. He should also issue orders for his troops to keep quiet, and not speak unless they are commanded to do so. This is done for two reasons; first, because the noise of many words prevents men from understanding one another; and second, because those who talk a great deal cannot accomplish as much with their hands as those who are silent; and this is the case because they lose a great part of their energy through the words which they utter. They should, moreover, be cautioned, when they are engaged in any affair of great importance and cannot restrain themselves from talking, to say but few words, and those of a character not to discourage their companions, but to embolden them. They should also constantly admonish them that, in their intercourse with one another, they should not be quarrelsome or meddling; for this is something which, at all times, is productive of great injury, and especially so in time of war, for the reason that the confusion and tumult which they cause may be of such a character that everything which their commander attempts to do may fail on account of it. Wherefore, a general who wishes to command by means of speech should order his men to perform and observe all the aforesaid matters, and if any loss results through error or injury arising therefrom, all the blame should be his, and he deserves a punishment in proportion to the harm which men suffer through the want of what he should have ordered.

**LAW X.****Those Whose Occupation It Is to Make War Should Have Power to Endure and to Give Blows.**

The ancients declared that knights and others who make war, in order to perform the duties of knighthood, should have power to endure and to give blows after they were engaged in battle with their enemies. For although they may give blows and understand how to inflict injury, if they are not patient, so as not to be dismayed by the wounds they receive or by other serious perils which they may encounter, they cannot be victorious, and, as a necessary result, they will be defeated. Moreover, although they may be very patient under all these hardships which we have mentioned, if they cannot make use of their arms so that, by the wounds they inflict they may injure their enemies, their endurance will avail them nothing, nor prevent their being killed or wounded. For this reason it is especially proper that they possess these two qualities, and be constantly ready to make use of them together, for one is worthless without the other.

**LAW XI.****What Benefits Result from Being Properly Commanded, When It Is Done as It Should Be.**

To issue orders, according to the ancients, is the first thing which men should do in time of war, for, if it is done as it should be, three advantages are derived from it; first, it unites the soldiers as one man; second, it enables them to be victorious, and obtain what they desire; third, it causes them to be considered fortunate and endowed with good judgment. Wherefore it is called by some a key, by others a bridle, and by others a master, and these names were given it with great propriety; for, as a key opens places which are locked and prepares the way for men to obtain what they ask, so orders, when they are well given, enable men to enter where they like and accomplish what they desire. It is also very properly called a bridle, for as a bridle causes an animal to go only where he who rides him wishes him to go, so also orders direct men, and prevent them from turning aside, or neglecting their duties in war, but cause them to act as is suitable in whatever they desire to perform. And it was styled a master, because in it is contained all the skill by means of which men should be able to vanquish their enemies, and become distinguished. For as a ship moves over the sea, and, unless it is propelled by its sails and oars those who are travelling in it cannot arrive at their destination and are often exposed to danger if the steersman who holds the rudder does not guide them; so those who desire to engage in warfare cannot carry out their wishes, and are often conquered and destroyed when they are not well commanded. Moreover, through being well commanded, a few often overcome many, and this also enables those who have been conquered to recover, and conquer in their turn. For all these reasons the ancients thought proper to assign to command an advanced and honorable place among all the other things which should be done in war. They considered it like a king, something to which men should pay attention and obey, and they imposed serious penalties upon anyone who disregarded it, dependent upon the matter in which he was disobedient, as is set forth in the laws treating of this subject.

**LAW XII.****What Devices Commanders Should Bear, and Who Has the Right to Use Them, and for What Reasons.**

It was established in ancient times that great men should bear well-known devices when they perform their deeds and especially those pertaining to warfare, for they involve serious dangers in which it is fitting that men be clothed with greater authority, as we stated above, for not only do they have to issue orders verbally, or through the direction of officers, but also by means of devices. The latter are of many kinds, for some place peculiar emblems on the armor which they wear and on their horses, in order that they may be known; others place them upon their heads on their helmets or crests that they may be more surely recognized in the midst of the great confusion of battle; but the principal devices, and those best known are embossed upon ensigns or pennons, and this is done for two reasons; first, that knights may the better defend their lords; second, in order that it may be ascertained who of them behave well or ill. These banners and pennons are of many kinds, as will be explained hereafter.

**LAW XIII.****How Many Kinds of Principal Banners There Are, Who Has Authority to Carry Them, and for What Reasons.**

A standard is a square ensign from which no portion of the sides has been removed. No one has a right to carry this but an emperor or king, for as they are not divided, so the kingdoms of which they are lords should remain entire. There are others which are square with their corners cut off at the ends, which are called commander's banners, and they are so named because no one has the right to carry them but commanders, on account of the authority which they exercise. They should not be presented, however, to anyone not having a hundred or more knights as vassals. Councils of cities and towns, have also the right to carry them, and, for this reason, the people should obey their orders, as they have no other commander but their principal lord, by whom is understood the king or some one appointed by him. This also monasteries of the orders of knighthood have power to do, for although they have commanders whom they are required to obey according to the laws of their order, and since in temporal matters they should not hold any property separate from one another, they are for this reason not entitled to have a banner, except one which represents their entire body.

**LAW XIV.****How Many Kinds of Pennons There Are.**

Those are called shelter pennons which are narrow at the staff and sharp at the ends, and in the army they are carried by those who go in advance to find quarters for the troops, and by means of them each company knows where to camp; banners of this kind masters of the orders of knighthood, and also commanders, where there are no masters, are entitled to carry. Those also are entitled to carry them who have under their command from a hundred down to fifty knights, but where they have from fifty down to ten, the ancients established the rule that a commander should carry another kind of a square banner, which is longer than it is broad, extending a third way down the staff, and which has not its corners removed, called in some places an ensign. There is another banner which is narrow and long and divided into two parts, and

this the ancients decided should be borne by the chief officers of the king, in order that men might know what place each one of them occupied in the court, how they had to march, and where they had to camp in the army. They ordained that lords who commanded from two to five knights should bear this same banner, but that it should be smaller than those borne by the officers aforesaid. The leaders of armies and foraging parties, called *adalides*, also have the right to bear the banner of a commander if the king should present it to them, but not otherwise; and this is the case because they are not lords of any certain body of retainers by reason of which they are entitled to have a banner, and where they have, it only happens by accident, for sometimes they have a larger number of men, and sometimes a smaller.

The chief admiral has a right to carry on his galley the standard of the king, and on the stern a commander's banner, with a device displaying his arms, and all smaller pennons which he shows on his galley, can also bear his device, in order that the other vessels commanded by him may recognize his galley. No other standard should be displayed on any of the other ships, except on that of the king or the lord whom he appoints to command the fleet, except that the captain of each galley is entitled to raise on it a pennon with his device, in order that he may command his men, and it be known whether he does his duty well or ill.

#### LAW XV.

##### No One But the King Is Entitled to Display a Banner Constantly.

Any of the above-named persons is entitled, while in the army or during war, to carry the banners which we have mentioned, but no one but an emperor or king, should carry them constantly, for the reason that they are always in command, and besides on account of the empire and the kingdom which it is their duty to maintain, and also in order that they may be recognized wherever they are. For these reasons they have the right to carry with them a banner or pennon wherever they travel, both in time of peace and in time of war. None of those whom we have mentioned are entitled to have one, except those to whom it was given originally, by granting them this privilege, and conferring upon them the above-mentioned honors. Therefore the ancients established the regulation that anyone to whom the king had presented a banner should never display or array it in opposition to his, or make a similar misuse of a pennon, or any other ensign, among those which he may have received from the king, or which those from whom he was descended had received from a member of the royal family or from the king himself. They considered that anyone who did this was guilty of open treason, on account of which he should be expelled from the kingdom, solely for having displayed his banner within sight of that of the king. For they considered that it was an outrageous thing that those to whom the king presented banners and pennons in order to show them honor, should themselves dishonor them subsequently by displaying them in the face of his, in return for the favors which they received from him.

#### LAW XVI.

##### How Many Kinds of Military Divisions There Are, and How They Should Be Distinguished.

Those of the ancients who understood and practised deeds of arms, assigned different names to the various divisions of the army, according to their arrangement in facing the enemy. For those which were drawn out and joined to one another, they called a rank; those which were drawn up in the form

of a rounded square, they designated a millstone; they styled those who marched in a solid body, which was narrower in front and broad behind, a wedge; and they called those who stood closely together in the form of a square, a wall. There was still another formation which they named an enclosure, which was shaped like a courtyard, and in addition to these there were still others called, in Spain, *citaras*. And they called a body of men composing a company a troop, whether there were many or few of them, without regard to the manner in which they were divided; and they gave them all these names according to the honor and advantage to be obtained from each of them.

They instituted extended ranks in order that the knights might make a better appearance, and seem to be more in number than they really were, which is something that causes ill-disposed people to experience greater fear and to be more readily overcome. There is also another reason why they did this, for where one company was smaller than another, and they wished to make an attack on the center, they could then attack them on all sides, which they could not do in any other way than with extended ranks; and hence the ancients formed divisions of this kind, with ranks drawn up one behind the other, to make a better exhibition of their strength and because, if one rank became fatigued or was destroyed, the next, which was fresh, might go to its assistance.

They formed the millstone, so that, if their enemies surrounded them they might always find them in front defending themselves against them; and the other body, called a wedge, was invented, in order that when the ranks of the enemy were strong and thick they could break and divide them, and conquer them more readily, for, by this means, few could overcome many. The wedge should be formed in the following way, namely; by first placing three knights in front, and behind them six, and in the rear of the six twelve, and behind them twenty-four, and thus doubling them and increasing their number constantly, according to the size of the division; but where the soldiers were few in number, they could begin with one, and then double the numbers, as above stated.

They devised the wall so that when they caught sight of the enemy they could put all their baggage in its center, so that it could not be destroyed, or taken by force. They made use of this formation when kings engaged in battle with one another, and left some to guard the baggage train of the army as above stated, while the others went into action. They formed a *corral*, or enclosure, to protect their kings, so that they might remain in safety. They formed it with infantry, which was drawn up in three ranks, one behind the other, and they tied their feet together so that they might not be able to run away, and made them hold the butts of their lances resting on the ground, with the blades pointed directly towards the enemy, and placed within their reach stones, darts, crossbows, or bows, by means of which they could shoot and defend themselves at a distance. They did this to preserve the honor of their lord, in order that the enemy might not be able to reach him or do him harm, and if his followers conquered, that he, alone, might appear not to have changed his position, or show that he considered them of no importance; and if they were beaten, that they might find safety and strength where he was, by means of which they might subsequently prevail.

They invented the *citara*, to the end that if the ranks should happen to be widely separated from one another, the enemy could not enter between them by the flank, and also for the reason that when the ranks were united, those on the wings reach them more readily, so as to strike the enemy on the flank, or attack him from the rear. Divisions of the troops were invented and ar-

ranged for the purpose of dispersing an army, and also to fall upon those who were scattered, by taking them in the rear so as to destroy them.

Commanders should be familiar with all the above named bodies of troops for two reasons; first, to form them and make use of them, whenever it becomes necessary; and second, to know how to put them in disorder when they are formed by the enemy. The general-in-chief should appoint men who are brave and prudent over each of these different kinds of divisions, to command them, and have these matters observed, as above stated, and all should obey the orders of those whom he appoints just as they would if they were issued by himself. Whatever their commanders, including the general-in-chief, may do to any persons who disobey orders by refusing to join the ranks in whatever way they are formed, as we have stated, or who break ranks after they have been formed; as, for instance, if they wound or kill them, or do or say anything else to them by way of punishment, they will not be liable to any penalty for this reason, nor can they be called to account because of the dishonor of those whom they have treated in this manner; nor should they incur the ill-will of them or of their relatives, since the act was committed by him who held the place of their lord, and was for the common benefit of all. But where the commanders are men of such character that they do not punish an offence of this kind, as above stated, they should suffer the same penalty, as he or they deserved who broke ranks and refused to obey orders; where, however, some other and more serious injury results through this dispersion, both those who took part in it, and those who did not forbid them to do so, shall undergo a punishment in proportion to the harm or the injury which the king may decide was caused by them.

## LAW XVII.

### How Armies Should Be Commanded While on a March.

The ancients showed that troops should be well guarded while moving from one point to another, for it frequently happens that they are defeated or destroyed by the enemy while on the march if they do not know how to protect themselves properly. This occurs in many ways, as, for instance, when the divisions composing an army are separated on several roads, and also when they march through such places as do not permit their formation in ranks, or troops, and it must be made in a long line, and when they desire to halt they are prevented from advancing; and besides the beasts of burden grow weary with their loads and many of them may perish or be injured, which causes great loss to an army; and, moreover, they are sometimes compelled to traverse such strong passes, that a few men are able to put large numbers to rout.

In addition to all this they occasionally march near localities where their enemies are posted, for which reason it is necessary that commanders should know how to prevent the army from sustaining injury in the above-named places. Wherefore they should make arrangements, before it begins its march, for the entire line to proceed together and not be divided into many parts, and if this is done, they should punish it with severe corporal penalties. Moreover they ought to select those composing the rear and the advance guard; the latter should be stronger, however, for the reason that when the enemy attacks, it will be more difficult for men to turn and face him, than it will be for the advance guard, which it opposes on the way in which it is going.

They should be careful, if the line is lengthened, to provide for its protection everywhere they think this is necessary, in order that the troops may

not be detained, or fatigued, or the animals perish. Moreover, when they are obliged to pass places capable of strong defence, as, for instance, deep ravines, or marshes which they cannot avoid, they should send forward soldiers enough to prepare them so that they can proceed without hindrance, and leave others to guard them that they may not suffer damage. But where the pass is very strong, as, for instance, situated under a rock, or so narrow that a few men can hold it against a large number, they should despatch a sufficient force to take possession of it before the enemy seizes it, in order that the army may traverse it in safety. When they approach a place where enemies are, they should cause the advance guard to halt there, until a sufficient number of knights or foot soldiers arrive to be able to protect the line until the rear guard comes up, and the entire army has passed in safety. Commanders should be familiar with all these matters and be well prepared for them, in order to protect themselves from the injury which may be inflicted upon them by the enemy.

### LAW XVIII.

#### How Commanders Should Act, When the Enemy Suddenly Attacks the Army.

When the enemy suddenly attacks any part of the army, the commander should be very careful not to permit so many troops to go to that point as will cause a great diminution in other quarters, because it may happen that this is done through stratagem, in order to strike a blow where it is thought that the greatest damage will result. And in order to be prepared always to protect themselves under all the circumstances we have mentioned, they ought to do two things; first, they should send forward knights on the right and left flanks, who are called scouts, so that when the enemy approaches they may give notice to the army and it may not suffer any injury; second, while the army is on the march the knights should be constantly armed and ready, so that if the enemy attacks them suddenly they may not be long delayed through arming themselves and preparing to assume command. For every prudent man should be aware that as the object of the enemy is to do him harm, he must not give him time to arm himself, or for long reflection as to how he shall issue his orders; and, it also seems to be folly for knights and other men to be ashamed to bear the arms, which were made to protect them, in places of danger.

Where an army marches in the manner we have mentioned, vigilant and under command, it cannot be injured by the enemy, unless his force is great and excessive, in which case those composing it will not be to blame. Wherefore, soldiers who disobey the orders of their commanders so that through their fault the army is injured, or officers who fail to perform their duty, should each be punished as we have stated in the third law preceding this one.

### LAW XIX.

#### In What Places Commanders Should Find Quarters for the Army.

To find quarters for an army requires much skill, and the general who does this must be possessed of great wisdom. In order to accomplish it he should always take with him a number of men who are well acquainted with the country, who are now called *adalides*, and were formerly called *guardadores*. These always accompany the advance guard with those who bore the ensign or pennon of the king, or that of the commander-in-chief, in whose rear the others marched.

When they arrive at the place where the army is to halt, he whose duty it is to find quarters for the troops should be careful that, if they are many in number, he does not cause them to be crowded, and if they are few, that they may not be separated from one another, for this is something by means of which they might easily receive great injury from the enemy; but he should cause them to be quartered together, and strengthen the position of the army as much as he can. For this reason the camp of an army was formerly called, in Latin, *castra*, which means a position which is strong and contrived so as to be protected from the enemy. For this reason the ancients, when they took many carts with them, were in the habit of placing them around the camp, and made, as it were, a wall of them; and when they did not have them they used sharp stakes covered with plates of iron to which iron rings were attached, which they set in the ground and connected with ropes, and by this means encircled the entire army, and these made them so strong, and arranged the tents in such good order, that the enemy could not easily break through them.

They did still another thing, for, when they did not have the stakes to plant around the camp, they placed the tents near one another, and connected them in such a way that no mounted or foot soldier could break through them. The generals effected this through their great skill, with the intention that the troops who endured severe fatigue during the day, might rest securely at night. Those who selected the camp of the army were careful not to choose for it a place under a hill or a lofty mountain, so that the enemy might not gain possession of high ground for the purpose of inflicting injury upon them, and that they might repose in safety. They also took care not to locate it in a marsh, or where a water-course could cause their inconvenience.

Camps should always be situated near water, grass, and wood, which are things very necessary for an army and cannot be dispensed with; for just as care should be taken to have the location where it is healthy, strong, and abounding in water and other things that are essential where a good town is built, so this rule should also be followed in selecting the camp of an army, by finding a suitable place for it, and if this is not possible, the best that can be obtained should be chosen, according to the situation of the ground.

## LAW XX.

### How the Camp of an Army Should Be Formed.

An army should encamp according to the conformation of the ground, being governed by its shape, whether long, square, or round. The tent of the lord should be placed in the center and those of the officers in his service around it, in the manner of a fortress. All the doors of these tents should be opposite those belonging to the lord, and in their rear an open space should be left where those who come to visit the king may dismount, and the officers may assemble in case of surprise; and in the rear of these tents all the others of the army should be placed like the houses of a town, and around them the tents of the commanders and other men of rank should stand, and surround the camp like a wall with towers. When the camp is circular, a wide space should be left within, around the tents of the men of rank and those of the soldiers; and when it is oblong, this should be left in the middle, that it may be perfectly straight; and where it is square in form, two, or four streets should be laid out some lengthwise, and the others transversely. The commanders should mark all these streets by their banners, so that the troops may know how they ought to be quartered and commanded, according to the banner which is raised; and neither the king nor his knights should dismount until the arrival



of the rear guard, but he should rather allow them to remain around the camp to protect it by placing sentinels everywhere, as well as by despatching scouts to examine the surrounding country, so that while they are in camp they will not sustain injury from the enemy. If other sentinels are stationed along the line on the flanks of the army, they should wait until the baggage train arrives, for the reason that it happens very frequently that the enemy, when they learn that an army is encamped, attack the guard conducting the baggage train, thinking that those who are in camp will not go to its assistance.

### **LAW XXI.**

#### **How the Camp Should Be Protected.**

The commander-in-chief should surround the camp with a ditch, when it is known that the army will be compelled to make a protracted stay in any locality; first, that it may not suffer damage from the enemy; second, that its animals may not be lost, or its property stolen. He should, moreover, appoint a certain number of knights and foot soldiers to guard it by night, dependent upon what he understands the force of the enemy to be, and which is adapted to the position they occupy. These sentinels, like those stationed by day, should be relieved so that they can endure the hardship.

Commanders-in-chief should do all these things which we have mentioned and order others to do them as well, and he who is unwilling to perform these duties, if he is a man of superior rank, should be punished by the king in proportion to what he refused to do; and if he is of inferior rank, the general should not be blamed for any penalty which he may impose, as will be shown hereafter; where, however, the fault was due to the general, the king should punish him as he deserves, in proportion to the injury which resulted.

### **LAW XXII.**

#### **How Pack Trains Should Be Guarded and Conducted When They Bring Provisions to the Army, as Well as Those Who Go for the Purpose of Collecting Grass, Straw, or Wood.**

Wood, grass, water, and straw, are things which troops cannot dispense with, nor can they avoid sending out pack trains to bring them whatever they require. For which reason the commanders, whose duty it is to protect and lead those who go for the purpose of collecting these supplies, should be men of intelligence, in order to conduct the soldiers of their command in a body, and not straggling or scattered among the rear or advance guard, according to the nature of the ground through which they are compelled to pass. And they should always be alert in order to obtain information of the enemy, for when they possess this, while the enemy are expecting to inflict the injury upon them, they, on the other hand, will receive it at their hands. They should always march under arms, in order that if the enemy should suddenly appear, they may the better be able to defend themselves. Nevertheless, they should not fail to employ scouts to examine the country who are able to guide them by the straightest and best roads, avoiding dangerous points and places where they know they may receive injury.

When they discover the enemy, the general should encourage and animate them in two ways; first, by speech, stating that the foes are not so numerous as they seem to be, nor as good as they, and by other words of this kind which may give them comfort and hope; second, by deed, exhorting them, and placing each one and giving him his orders to be prepared, and explaining what should be done, if they are attacked. Where the troops are

few in number and have many unloaded animals, he should cause the soldiers to mount them, in order to magnify their numbers, and he should also command them to do everything else which he thinks will give them self-reliance and resolution to conquer. And, although commanders should do this in every instance, it is much more important for them to do so for the protection of those who go in search of the above mentioned supplies, where the latter are inefficient and have but little courage, because commanders should encourage such as these more than other men: for the ancient sages, who were skilled in deeds of arms, declared that the inspiriting words and encouragement which a commander gives his followers when they are timorous, are like those which a physician gives a sick man when he thinks he is about to die. They should treat those in a similar manner who go on search of wood, grass and straw. And while they are collecting them they should cause armed knights to guard them and place sentinels to watch the country so as to discover the enemy before he comes suddenly upon them. In addition to all this, the commander should order his men to bring all their loads together and then place them on their beasts of burden, in order that they may not straggle, and the baggage train be difficult to protect, and no loss be sustained while on the way to camp; which would be a greater disgrace than at any other time, because it would be apparent that it was caused by their not exercising proper care through the desire of returning to camp. For this reason the commander should be more watchful in returning than in going, because when starting the soldiers are more apprehensive and on the return they feel more secure; and, therefore those who are unwilling to obey orders should be punished, as we have stated in another law. Where commanders err in the performance of their duties they should undergo the penalty prescribed by this same law.

#### LAW XXIII.

##### **What the Disposition of the Army Should Be When a Town or Castle of the Enemy Is Besieged.**

When an army besieges a town or castle, and expects to remain before it until it is taken, the principal lord, or the commander-in-chief who represents him, should pitch camp around the place which he wishes to besiege, if his force is large enough to invest it in safety. If it cannot completely invest it, a detachment should encamp in front of the gates, in order to cut off the entrance and exit from the enemy, and, if this is not done, all should encamp together, at a point where they think the greatest injury can be inflicted upon those within. The word siege is only applied where the investment is complete, and, when this is not the case, the word encampment is used, but the army should be located near enough to the enemy to maintain superiority over him and do him harm; and the camp should not, in the first place, be pitched so near that it will have to be moved back subsequently, for from this humiliation and damage may result.

As soon as the army has pitched its camp, a trench should be dug between it and the besieged and around the camp, so that those in the town may not be able to surprise the besiegers, nor they, themselves, be able to engage in battle with them without the orders of their officers. Where the camp is pitched on one side, or where there is more than one, and the town is not completely invested, all these encampments should be surrounded by trenches to separate the troops from those in the town, and where the entire town is invested, the besiegers should dig another trench outside their camp. The ancients devised this for the reason that, very frequently, the besieged have an understanding with their friends outside to come to their assistance, and both of them attack the besieging army; and, although they may be inferior in number to the lat-

ter, if the camp is not well defended, the besiegers may be conquered or suffer damage which would have a bad appearance, leaving out of consideration the injury which would result from those who occupied the place of conquerors being vanquished by their own neglect.

Other benefits are derived from these trenches, for, by means of them, the enemy is placed more at a disadvantage, since he cannot either enter, go out, or obtain the things he needs; and the troops in camp are more secure, and can the better protect their property from being lost or stolen; also, when the enemy attacks them suddenly they can arm themselves at leisure and agree as to their mode of defence. Moreover, great advantage will result to them when their camp is surrounded by a ditch, as above stated, for then they will not have need of any other protection, except guards by day and sentinels by night; and they will be able to sleep and rest more securely, and better endure the hardships which they are compelled to undergo. For, as wise men explained, even though a man may gain distinction and honor by subduing his enemies, and bringing them to the terms he desires, he gains much more when he acts in such a way that he himself is protected from injury, and inflicts it upon his adversaries. Wherefore, not only did the ancients direct ditches to be dug, but also when the camp was made where there was timber, that palisades and wooden fortifications should be placed around it in front of the exits of the camp, which should be opposite those of the enemy, like those facing the gates of the city.

There is another thing they should do, for, in order that the besiegers may be more inspired and the besieged suffer greater fear the lands of the latter should be divided among the troops of the camp, and be cultivated in the sight of the enemy. They did this in order to inspire their followers to do their duty and to strike terror into the besieged, so as to bring them more readily to terms. Commanders should do all these things, and order everyone to do them according to his position, as is proper. And, above all, they should be careful that no man ventures to wander from the ranks, or attacks the enemy except when he is ordered to do so in such a way that the greatest injury may be inflicted upon him. No matter what punishment commanders inflict upon those who do not act in this manner, they should not be censured for it, as stated in the above mentioned law, and where commanders fail in the discharge of their duty they should be punished in accordance with this same law.

#### LAW XXIV.

##### **Those Who Form an Army Should Be Provided with Military Engines and Other Things Necessary to Inflict Injury on Their Enemies.**

Kings should keep in their towns, and especially in those situated on the frontier, military engines, arms, and iron implements of every description, to take with them when they lay siege to any strongly fortified place, or to inflict injury in other ways upon their enemies; for this is a resource which can be made use of to great advantage; first, because those who possess it prove that they are more powerful; second, because, by its employment they become distinguished through obtaining the mastery over their enemies, for it frequently happens that the latter are more easily defeated by knowledge and skill than by any other means, or even by superior numbers. For this reason they should carry an abundant supply of all these things, not only of engines which shoot stones by means of a counter-poise, but of others, which are fired with cords by the hand as well, and also many crossbows and bows, and all other weapons which shoot arrows, and both slings which are used with the hands and those which are sped by means of shafts, for all these articles are

very necessary to employ against enemies when they are besieged. There are also other military engines which they should construct for the purpose of demolishing towers and walls, and to afford means of entering them by force. These are of many kinds, as, for instance, wooden castles, shields, battering-rams, hurdles behind which crossbowmen are stationed to shoot in safety at the besieged, and mines and covered trenches dug for the purpose of demolishing the walls. In addition to these things should be included many other implements of iron, with which damage may be inflicted upon the enemy, as, for instance, picks, mattocks, spades, levers—both great and small—with which to overthrow towers and walls, and, in addition to these, large and small axes to cut down trees and vines, scythes and sickles to cut down grain, and everything else which they can obtain or devise for the purpose of doing the enemy harm, in order the more readily to overcome him. And where they know they are going to a dangerous neighborhood, before they take up their march for their destination, if there is not an abundance of wood there with which they can make all the above named articles, they should take it with them; or, after they have arrived there, they should go in search of wood to that place where they are informed they can the most readily find it. In doing this they should spare neither labor nor expense, since by this means they will be able to accomplish what they wish, for the benefit which they derive from it is greater than the expense which is incurred, if they thereby obtain what they desire.

All these different kinds of engines and implements which we have mentioned should be given by the principal commanders to others to be taken care of and kept in readiness, and should be entrusted to men who understand how to use them, when it becomes necessary. The officers whose duty it is to take care of them should be prudent and loyal, and know how to read, write, and calculate; and if they do not, they should take men with them who are familiar with these things, in order that they may know how to keep and issue these articles with proper care. Wherefore, if any person who has charge of these weapons is guilty of neglect of duty he should be punished according to the judgment of the king in proportion to the evil caused by his offence; and the same rules applies where injury to them results through the neglect of those commanders who should order this matter to be attended to.

## LAW XXV.

### **Injury Should Be Inflicted Upon the Enemy in the Way in Which It Is Thought that They Will Suffer Most Harm.**

Although men require implements, engines, and weapons in their armies, as we stated in the preceding law, these will be of no advantage to them if they do not know how to inflict injury upon their enemies by their means. For, if they do not, they will be unfortunate in two ways; first, the expense which they will incur in providing them will be very great; and second, the cost of transporting them will also be enormous. Wherefore the ancients, who were thoroughly experienced in war and understood well how to make it, carefully considered everything by means of which they could inflict the greatest possible damage on their adversaries, and could the more readily bring them to terms. They regulated these matters by means of laws and fueros, that they might be the better observed, and caused these to be read by knights and soldiers before they went to war, that they might know how to act when they were engaged in it. One of the things to which they paid particular attention, was this, namely, that when they could conquer the enemy without serious hostilities, they ought not to involve themselves in matters

productive of danger; as, for instance, where they were able to conquer solely by depriving their enemies of provisions and supplies to avoid fighting them, or adopted some other measure of this kind, for one course was a source of safety to them, and the other one of great peril. They took especial pains when they were about to inflict injury on the enemy, first to select for their attack whatever in its destruction would cause him the greatest loss, as, for instance, growing grain, and fruits, which they cut down whenever they could do so, and especially selected those near at hand, in order that their adversaries might not be benefitted by them.<sup>1</sup> By this course of action two advantages resulted; first, they deprived their enemies of that of which they could most readily avail themselves; and second, it remained safely in their possession to be made use of when they desired to do so. The same rule applies to water, for this is, of all things in the world, what they should first take from them in every way they can, because men are able to endure thirst much less easily than hunger. They should also act in this manner with regard to everything else, for whatever they think will cause their enemies the greatest loss, they should, in preference, deprive them of. The ancients were also accustomed to practise another mode of proceeding that was very successful, because in this way they did harm to their enemies by means they understood were best adapted to that purpose, and would cause them the most mischief; and that is they removed the water from their wells with pipes; or turned the course of their streams elsewhere with canals; or broke to pieces the engines of the besieged with others which they knew how to construct and which they shot at a distance, and with greater accuracy.

#### LAW XXVI.

##### How a Military Engine Should Be Prepared for Attacking a Town or a Castle.

The ancients avoided employing military engines except for the attack of castles and small towns, because in places of this kind they cause damage by demolishing walls, towers, and houses, and by killing men, which they cannot accomplish in the case of large cities. For the latter cannot be easily taken, except through hunger or stratagem, or by means of mines, or with blows of battering rams by which the walls are demolished, or with the aid of wooden castles which are brought near the towers, and by which the latter are entered by force, or by fighting so obstinately that the attacking party is not noticed until it mounts the walls by means of scaling ladders. However, the smaller places, as well as the larger ones which we referred to, cannot be taken by any of the modes of attack above mentioned unless there are many besiegers and they are superior in numbers to the besieged; wherefore it is necessary—in all the matters set forth in this law as well as in the preceding one—that the commander who orders these things to be done should be skillful, and that the men under his command be perfectly obedient. For under any other circumstances one of two injuries must result: either the deed which they desire to perform will fail; or, instead of inflicting injury, they will receive it; and therefore the punishment of the commander and others who fail to do their duty in any of the matters aforesaid, will be the same as that previously stated.

<sup>1</sup> The devastation of an enemy's country by destroying orchards and uprooting vineyards, authorized by this and other ancient codes is contrary to international law: "Those who tear up the vines and cut down the fruit trees are looked upon as savage barbarians, unless when they do it with a view to punish the enemy for some gross violation of the law of nations." (Vattel, *The Law of Nations*, 367.) This opinion was held by Polybius, Cicero, and other classic writers. Xerxes ordered his troops to refrain from the destruction of groves and orchards during his invasion of Greece. Moderation in this respect is inculcated, but seldom observed by civilized armies at the present day.—Ed.

## LAW XXVII.

## Which Explains Different Names and Modes of Warfare.

A fight, as the ancients explained, means a combat in which both sides engage, one arrayed against the other. This can happen in two ways; first, when both are equal and each endeavors to overcome the other; or when one is weak and tries to defend itself from the stronger. Wherefore, in countries where the Latin language is spoken, they apply the word *combatir* to all deeds of arms, as well when they struggle in the field, as when they attack a town or castle, or contend with one another in single combat. But the Spanish people, in ancient times, made use of this term in several ways, according to the different kinds of deeds of arms, and the men who performed them, for they considered that the term *combatir*, which we have mentioned, should not be applied to anything else but to a fortress which it was desired to take; and that the word, *embarrar*, to shut up an enemy, ought to be employed in instances where he is so surrounded that he does not dare to come forth at any point, and where the besiegers must afterwards enter by force. On this account, they gave to each kind of war its name, in order that those who heard it might know by its designation how it was carried on, even though they did not take part in it. They called that a fight, where men contended against one another in single combat in the open field; and this was subsequently used where others were engaged without regard to numbers, where there were no commanders on either side who appeared with the banners of their rank. And the same name was used when armed knights joined their adherents suddenly, on one side or the other, not marching in ranks or carrying banners; and they styled that an array, where each of the generals, on both sides marshalled his command, in expectation of his lord, and gave careful consideration to the arrangement of his troops. They designated that a battle, where there are kings on both sides, who display standards and ensigns to distinguish their divisions, and which have an advance guard, a main body, and a rear guard; but they especially made use of this name for the reason that emperors and kings, whenever they were about to engage in battle, were accustomed to have trumpets sounded, and drums beaten, which was not permitted to other men.

There is still another kind of a contest, called a tournament. This happens when an army passes along near a town or castle belonging to the enemy or has it besieged, and the garrison comes forth to fight with those outside, and each afterwards returns for shelter to his quarters. The same thing happens when armies encamp near one another, and knights belonging to both sides go out for purposes of attack in troops or in companies. But it must not be thought that by this kind of a tournament is meant the one practised by men in different countries, not for the purpose of killing one another but to exercise themselves in arms, so that they may not forget the use of them, but may know how to handle them in contests which are genuine and dangerous. Another kind of a fight is called a sally, where an army has some position of the enemy besieged and approaches the latter, and the besieged make an attack in such a way that the besiegers cannot avoid engaging them, and because such an attack is very fierce and sudden it is called an *espolonada*.

Hence, in all the different kinds of contests which we have mentioned, the commanders must be very intelligent, so as to be able to direct their troops in every place, according to the evolutions which they desire to perform, for if they are not so, instead of being victorious they may be defeated and lose what they hoped to gain. Moreover, those belonging to the army should be directed by their commanders not to leave the ranks, or make any attack

without the orders of their officers. For, as the ancients explained, those who act thus are the cause of three great evils; first, they disobey the orders of their superiors, which is an audacious deed that resembles madness, and is also one of great degradation, since it is evident that those who are guilty of it are so because they do not dare to act properly in company with good men, and because they are unable to endure fear, in which respect they bear a resemblance to the wicked; second, on account of the injury and misfortune which may come upon the army by reason of their disobedience. The third evil which results from this is the punishment which they ought to receive, because of the offence which they commit against their commanders on their own account, if they place obstacles in their way; for, as the ancients said, soldiers should be more afraid of the punishment which they know they will receive from their lord on account of their failure to do their duty, as above stated, than of the danger of death to which their enemies can expose them.

### LAW XXVIII.

#### **How Men Composing Foraging Parties Should Be Commanded, and How Many Kinds of These There Are.**

There are many other methods of warfare in addition to those mentioned in the preceding laws by means of which men can inflict injury upon their enemies, and in which they sometimes engage; and, it is necessary that those who conduct these operations should be thoroughly efficient, and their troops obedient to orders.

In order that the names they bear may be known, and that those who engage in these various kinds of warfare may become familiar with what is required of them, we desire to say in this book, in accordance with the statements of learned men, that some of these expeditions are called raids; as, for instance, when certain companies of the army depart hastily to overrun some district in order to inflict damage upon their enemies or leave the army after it has begun its march for the same purpose. These raids are of two kinds, as some are made openly, and others secretly. For those that are openly made, a great force is necessary, which may be bold enough to pitch tents and build fires both on the advance and on the return; and while on an expedition of this kind the troops must be well commanded, that they may not be discovered while entering the enemy's country, and may be the better able to accomplish their design. After they have accomplished it they can show themselves, as we have stated, if they are in sufficient numbers and of such a character as to venture to contend with those who may attack them.

The second kind of a raid, that which is conducted secretly, is when the party is few in numbers, and has a task to accomplish of such a nature that it does not wish to be discovered while in the enemy's country. This expedition derived its name from the fact that those who undertake it must ride rapidly, and they should not take with them anything which may hinder the speedy accomplishment of their task; for, as it is proper for those belonging to a powerful army to advance quickly against the enemy, observing them with attention, and striking them with fear; so, in like manner, it is proper for those engaged in a raid not to loiter. And they should much rather prefer to travel by night than by day, and should have with them men able to guide them by secluded routes, so that they may not be perceived by the enemy, and for this same reason they should pass through low places; and, while both going and coming, should employ sentinels and scouts, and night sentries and patrols, in order not to be suddenly put to rout.

Commanders should be familiar with all the matters which we have set forth, for many times when they may wish to talk they must be silent, and

when they desire to eat, drink, or sleep, they must not permit their troops to do so, and this is the case in order that they may not run the risk of being discovered, or be defeated, captured, or killed. In addition to these expeditions which we have mentioned, there are others which are called *dobles*, and this happens when those composing the expedition have secured their booty, and before they arrive with it at the place from whence they started they return to the enemy's country to inflict injury upon him, and therefore those versed in language named this a "return raid."

The ancients invented this kind of warfare because they discovered that it was more detrimental than others, since people considered themselves more secure, and for that reason sustained greater damage than from operations conducted in any other way. Wherefore commanders, who do not know how properly to direct their troops in these different kinds of expeditions, if any injury arises from their neglect, should be punished as we have mentioned in other laws; and we decree that this same rule shall apply to those who disobey orders.

### LAW XXIX.

#### How Foraging Parties and Forays Should Be Conducted.

Foraging parties, or forays, are other methods of warfare devised by the ancients, and which are very successful in inflicting injury upon the enemy. For a foraging party is organized to overrun the country and plunder everything that is found there; and this should be done as we have stated in the law treating of sentinels, by ravaging the territory of the enemy, and stealing whatever can most readily be secured; and by this two advantages are obtained; first, it does harm to the enemy; second, the foraging party shows itself to be the more valiant. In the conduct of these expeditions, however, three things should be observed; first, those who engage in them must be well acquainted with the country which they are to overrun, and must know where they have to return to their divisions; and they must take with them good animals, and be lightly armed, for if they do not, it may happen that somewhere the party may be defeated and dispersed, and if this should not occur while they are going, it may occur on their return when they do not know where to take refuge. The second thing is, that they should be very careful to what point they direct their foraging parties, and that they march rapidly to a certain place, so that those engaged in them may arrive there before their horses are fatigued; for by acting in any other way, two misfortunes will result; first, they will not be able easily to secure their plunder; second, they will, by this means be more rapidly put to flight, or at least lose what they have taken.

The third thing to be observed is that the foraging party be well guarded by good troops always marching in its rear, who can readily afford them aid, and watch the booty which they have taken, and by means of which they may be assisted and protected, if they should be defeated through the enemy finding them scattered and plundering them. A foray is when a few men leave some place and take with them a supply of provisions for the purpose of overrunning the enemy's country, and then return to their starting point; and this should be done and managed in such a way that the foraging party may sustain no damage from the enemy. And, for the reason that this is not attempted except by a few troops, they must travel secretly and not openly like those engaged in a raid, and it is called a foray, because those who made it, must go and return as quickly as they can.



**LAW XXX.****What Things Those Who Form Ambuscades Should Bear in Mind.**

The ambuscade is another kind of warfare which the ancients invented in order to inflict injury on their enemies, and, in practising it, three things must be considered; first, whether there is, or is not, a large force where it is to be placed, and whether the men composing it are accustomed to war, or to something else. The second thing is, that they should be very careful in what locality they station the ambuscade, whether it is near to, or distant from, the point where they wish to cause the damage, and also that it be in a concealed locality for from this it derives its name; and they should especially see that the spot where they lie hidden is of such a character that they can readily leave it. This is the case for three reasons; first, that the locality may not present any obstacles, so that when they draw the enemy into the ambuscade they themselves cannot readily escape from it; and second, if the enemy should be so strong as to attack them in turn they can readily withdraw, and take up their position where they will be less exposed to danger;

The third point with respect to which they should exercise great care, is that those who are to watch for the enemy in the ambuscade should be well skilled in warfare, and know how to draw them on, and act so that they may fall into the snare. Those who draw them on should also understand how not to lead them directly to the ambuscade, but cause them to pass beyond it, and not see it, so that they can enter between the enemy and the point from which they have come, and thereby inflict upon him greater injury. Those who lie in ambush should be well concealed, and always keep their sentinels hidden, where they cannot themselves be seen, and can see the others when they approach. Wherefore, in directing both these ambuscades and the foraging parties and forays which we described above, commanders should be very prudent in ordering all the aforesaid arrangements to be carried out, as well as any others they think are suitable for the deed which they wish to accomplish. Those under their command should be very obedient, and such as do not act in this way, the commanders as well as the others, shall undergo the penalty previously stated in other laws.

## **TITLE XXIV.**

### **Concerning War Waged on the Sea.**

The sea is a peculiar place where men wage war on their enemies. Wherefore, since in the preceding Titles we have spoken of the war which men engage in on land, we desire here to speak of that which they conduct on the sea. We shall show what kind of a war this is; in how many ways it can be made; with what those who desire to make war by sea should be provided; what kind of men are required; how they should be commanded; how many ships are necessary to employ in this kind of war, with what things they should be supplied; and what punishment those deserve who fail to do their duty in anything pertaining to it.

### **LAW I.**

#### **What Marine War Is, How Many Kinds There Are, and with What Those Must Be Provided Who Desire to Make It.**

Marine warfare is, as it were, a desperate undertaking, and is attended with more danger than that on land, on account of the great calamities which may result from it and happen on the sea. War of this kind is conducted in two ways. The first is, by means of a fleet of galleys, and ships filled with armed men, like a great body of troops which travel over the land. The second, by means of a squadron composed of a few galleys, or of swift vessels, and ships rigged for the pursuit of others. Those who wish to carry on war in this manner should possess four qualities; first, those who are obliged to engage in it, must be skilled in knowledge of the sea and of the winds; second, they must have a sufficient number of ships, and of such a kind, and provided with men and arms and other supplies of which they have need, as is proper for their undertaking; third, they should not allow any hesitancy or delay in their affairs. For, as the sea does not hesitate with respect to what it has to do but does it quickly; so those that travel upon it should be diligent and active in the performance of their duties, so that, when they have anything they may not lose it, but employ it to their advantage. The fourth requisite is that they should be well commanded, for as those on land can travel on foot and on their animals, to whatever place they desire and whenever they please; so much the more should those be properly directed who have not the power to travel or be quiet, like such as go on foot or are mounted. And as ships are built of wood, and have the winds for a bridle, from which those who travel in them have not the power to protect themselves whenever they desire to do so, nor can avoid falling from the conveyances in which they are transported, or keep out of the way, or escape, in order to preserve themselves, although they may be in danger of death; hence, for all the reasons which we have mentioned, they should be so commanded that each may know what he has to do when he goes into action, and will not have to be told it many times. Wherefore, the ancients, who discussed the subject of marine warfare just as they did war on land, did not impose any other penalty on those who disobeyed orders while engaged in it than that they should lose their heads. They did this, being well aware that the injury which might result from disobedience would be more serious and dangerous than where it took place on land. For this reason they gave the commanders authority over every thing, as is set forth in this Title.

## LAW II.

**What Persons Are Necessary to Man the Ships, When War Is to Be Carried On.**

Men of many kinds are required for ships when war is to be made on the sea, as, for instance, the admiral, who is the principal officer of the squadron; and on every galley there is a boatswain, who are, so to speak, captains; and there are also pilots, who understand the winds, and are familiar with the ports, whose office is to guide the ships; and sailors who are men whose duty it is to serve and to obey; and there are marines whose especial duty is to fight; and there are also many others, as will be stated hereafter in the laws of this Title.

## LAW III.

**What Kind of a Man an Admiral Should Be, and How He Should Be Appointed.**

The commander of all those who go forth in ships to make war by sea is called an admiral, and when he sails with the fleet, which resembles a great army, and also with the other smaller squadron which takes the place of a body of cavalry, he is clothed with as great authority as if the king were present, and, moreover, he should decide all those matters which we mentioned in the law treating of his office. On account of this great power which he possesses, those who desire to appoint an admiral should exercise great discrimination in their choice, being assured that he possesses all the following qualities. In the first place, he should be of good lineage, in order to have self-respect; he should also understand war on sea as well as on land, in order to know how to act on both; he should be a man of great valor, for this is something which is very advantageous to him in order to inflict injury on his enemies, and be able to control the people under his command, who are men that always require to be treated with justice and great decision. He should, moreover, be very liberal, in order that he may always be willing to share the booty he has taken with those who are bound to assist and serve him. And although all men are naturally pleased and delighted when they are treated well by their commanders, and presented with a good portion of the spoil which the latter secure; much more should those be so who belong to the sea; first, on account of the great hardships they endure there; second, because they are in a place where they cannot obtain anything except from the hands of their lord. And, above all, it is proper that they should be loyal, so that they may love and protect their lord, and those who are with him, and not treat him in an unbecoming manner.

When it is desired to create an admiral, he who is to be selected in this way should keep a vigil in the church, just as if he were about to be created a knight; and, upon another day, he should come into the presence of the king, clothed in rich garments of silk; and the latter should put a ring upon his right hand, as a token of the honor which he confers upon him, and present him with a sword, emblematic of the authority which he bestows; and place in his left hand a standard, emblazoned with the arms of the king, as an evidence of the command granted him.<sup>1</sup> And, while there, he should promise that he will not shun death in the defence of the Faith, and in the

<sup>1</sup> Investiture with an office by banner, ring, and sword, symbolical of the obligations and ties assumed by, and developing upon the incumbent, was universally practiced during the Middle Ages, and has survived in the ritual of Roman Catholicism which, at his consecration, confers upon the bishop the ring, emblematic of the union of the priesthood and the Church, and the pastoral staff, the symbol of authority pertaining to his sacred calling. This ecclesiastical observance, in England, dates from the seventh century. A similar investiture still forms part of the coronation ceremonies in many countries.—Ed.

aggrandizement of the rights and honor of his lord, and the common benefits of his country; and that he will perform all of his duties according to the best of his power. And after this ceremony has been performed, from that time forward he will be invested with the authority of an admiral in all these matters, as has been stated.

#### LAW IV.

##### **What Kind of Men Captains Should Be, How They Should Be Made, and also What Authority They Possess.**

Another class of men, who are commanders on the sea under the rank of admiral, are called captains,<sup>1</sup> each one of whom has the power of command over all those in his ship, and he also has authority to decide any disputes which may arise among the crew. If, however, the parties are not pleased with his decision they can appeal to the admiral, but not to the king except when he himself happens to be on board the fleet, or when they take the appeal, on the very day when they return, to the place where the king happens to be.

Captains should not be appointed except by the king himself, or by others acting under his orders. For this reason the admiral has no authority to inflict corporal punishment upon them, nor confiscate any of their immovables, unless he is ordered to do so by the king; although he has power to arrest them, and cause them to make reparation by means of their personal property to the amount of any fine which they may have to pay according to *fueros*, or in compliance with any agreement which they may have entered into while on board that fleet, or squadron. And for the reason that they are judges of disputes and commanders of the crews on their ships, they should be made and selected so that they may possess those qualifications which we declared should be found in the admiral; for, since he is commander of all the persons in his ship, each of the captains has just as much power to act in his own vessel as the admiral has over his entire fleet, or squadron.

Captains should be created in the following way, namely; when any sailor thinks he is qualified for the position, he should go, in the first place, to the king if he is there, and if he is not, to the admiral, and tell him the reasons why he desires to be promoted, and then the king, or the admiral by his command, should summon twelve men skilled in matters pertaining to the sea, who may form a judgment of the applicant, and who should make him swear to state truly whether he possesses the qualifications necessary for his appointment; and, such testimony having been given, they should clothe him with red garments, deposit in his hands a pennon bearing the arms of the king; conduct him to his galley, to the sounds of trumpets and pipes; place him there in his post of authority, and state to him that from that time forward he will be captain.

After he has been invested with the office in this way, he has authority to command and to judge in the manner we have stated above. And if, he should thereafter fail to discharge his duty in anything connected with his command, by disobeying his superior, or by rebelling against him, with other captains or with any other persons belonging to the fleet, he shall lose his life on this account, but if he is guilty of any offence in rendering judgment, he should be punished according to law. Where any of the property belonging to the galley is damaged or lost through his fault, he shall pay double its value, and he is required to be responsible for all those in his ship who commit any offence, but if they disobey orders and this is brought to the attention of the admiral, or they are convicted of it, they must be put to death.

<sup>1</sup> The term in the original is *comitre*, meaning "boatswain" in modern Spanish, and corresponds to the *navis praeffectus* of the Romans.—Ed.

## LAW V.

**What Kind of Men Pilots Should Be, How They Should Be Made, and What Power They Have.**

Those are called pilots by means of whose skill ships are guided over the sea. And, for the reason that they resemble *adalides* on land, therefore when they are to be accepted for this service care should be taken that they possess the four following qualifications. First, they should be familiar with the knowledge of all matters relating to the sea, in what localities it is smooth, and where there are currents, and understand the course of the winds, and the changes of the weather, and be possessed of all other kinds of marine knowledge. Moreover, they should be familiar with the location of islands and harbors and the supply of fresh water to be found there, and their entrances and their exits, so as to be able to guide their ships in safety, and conduct their companions where they desire to go; and also to be able to prevent them from receiving injury in rough and dangerous places. Second, they should be bold, in order to endure the perils of the sea, and the dread of the enemy, and also to attack them with intrepidity, whenever it is necessary. Third, they should be very intelligent, so that they may thoroughly comprehend whatever they are required to do, and properly advise the king, the admiral or the captain, when they ask their counsel. Fourth, they should be loyal, so that they may desire and secure the advantage and honor of their lord, and of all others under their guidance. Where a man of this kind is found, if he happens to be near the sea, he should be conducted to the ship, in which he is to sail, and a small sword and a rudder be placed in his hand; and he should be told from that time forward that he is a pilot; and if, after this, his ship should be lost through his treachery, or through the fault of his bad guidance, or if those on board should sustain great injury, he shall be put to death on this account.

## LAW VI.

**What Kind of Men, the Proeles and the Marines Should Be, and Those Whose Duty It Is to Guard the Arms, Provisions, and Other Equipment of the Ships.**

Those are called *proeles*, whose place is on the prow of the galley, that is, the forward part. And for the reason that it is their duty to strike the first blows in time of battle, they should possess three qualifications, namely; first, they should be valiant; second, active; third, accustomed to life on the sea. And, besides these, there are others called *alieres*, who are stationed near them, at the sides, and who are like wings on the ship, and for this reason they can bring their aid and service wherever it becomes necessary, in compliance with the orders of the pilot, or the captain; and on account of the character of their duties, they should possess the three qualifications which we have stated should belong to the *proeles*. Others stationed on ships are called marines, as, for instance, crossbowmen, and other armed men, and these have no other duties but to defend those in their ships by fighting with the enemy, and they should be the boldest, strongest, and most active men that can be found, and the more accustomed they are to the sea the better.

In addition to those whom we have mentioned, other sailors are necessary to handle the sails, and do other things when ordered by the pilots, as, for instance, to drop and hoist the anchors and moor the ship in port, and these must be skilled in seamanship, nimble, and obedient to orders. Other men should be stationed to guard the arms and provisions, and these should be loyal in order to know how to do this properly, and without covetousness, and

be ready to place the supplies wherever the commander of the vessel orders this to be done; and we decree that this also applies to those whose duty it is to guard the cargo of the ship. All these persons above mentioned should be obedient and well under control, and if they act in a contrary manner they should be punished in proportion to the offence which they have committed.

## LAW VII.

### What Ships Are Best for Purposes of War, and How They Should Be Equipped.

Craft employed for traversing the sea are of many kinds, and for this reason each one of them was given a name, according to the fashion in which it is built. Those of larger size, moved by the wind are called ships, and some of these have two masts, and others one; and there are others of this kind of smaller size, to which are given names by which they may be distinguished, as a carrack, a vessel, a galley, a felucca, a pinnace, a caravel, and barks. In Spain there are other ships, in addition to those provided with banks of oars, and these are especially constructed for purposes of war, and for this reason are furnished with sails and masts, like others, for both warfare and transportation; and also with large and small oars, and rudders, in order to be propelled when there is no wind, and to be able to depart from, or enter ports or inlets of the sea, to reach those who take refuge there, or to escape their pursuers. For just as a bird could not move through the air if it were not provided with wings with which to fly, or be able to move when it lighted upon the earth if it did not have legs and feet upon which it might rest; so these ships, which are for purposes of war, could not move on the fare and transportation; and also with large and small oars, and rudders, in addition, by means of which they may be propelled when the wind fails them.

Wherefore the power of ships of this kind is very great, because they make use of the wind when they have it, and of their oars when it is necessary, and very frequently of both. The larger ones are called great galleys, and the smaller, galliots, *tardantes*, and *sactyas*. There are still others of these same forms for the service of the larger ships, and which those who desire to make secret expeditions sometimes make use of, because they can remain better concealed in them, and move them quickly from one place to another. For this reason anyone who desires to possess ships of this kind for warfare, should pay attention to three matters; first, when he orders them to be built, the wood for their construction should be selected at a proper season and be such as is not easily spoiled; second, they should be built of a good shape, strong, light, and suitable for the purposes for which they are designed; third, they should be provided with supplies which are called equipment, and include the following: masts, yards, sails, rudders, oars, anchors, and ropes of many kinds, each and every one of which has its name, according to the purpose for which it is used.

## LAW VIII.

### In What Way the Ancients Compared Ships to Horses.

Ships are the same as beasts of burden to those who traverse the sea, just as horses are to those who travel by land; for, just as a horse who is long, thin, well-made, active, and swift, is more speedy than one which is fat and round; so also is a ship built in this way faster than another, and the ancients compared the oars to the legs and feet of horses, which should be long and straight. This is something which is very necessary for the oars of ships, for,

just as a horse cannot move without his legs, so a ship cannot be moved without its oars, when the wind fails. They compared the saddle to the platform where the rowers are seated, for the reason that it should not be heavier on one side than on the other, so that the ship may hold its course evenly. Moreover, they compared the sails to spurs, for, as a horse, though he may have good feet, does not move so rapidly as when they give him the spur; so a ship, although it may have good oars cannot make the same progress as when the wind strikes the sail and compels it to move; and they compared the helm to the bridle of the horse, because as he cannot be moved from right to left without it, so a ship cannot be moved in a straight line, or turn to the point which it is desired to reach, without the helm. Moreover, the cables, which are for the purpose of towing the ship, resemble the halter and straps with which a horse is fastened; and in addition to all this, as a horse cannot be compelled to stand quietly without hobbles, in the same manner anchors were invented, to cause the ship to remain without motion.

Wherefore, commanders of ships should have these articles carefully prepared, so as to have them always more or less at hand; for the loss resulting from neglect of this may cause the enterprise to fail, for which reason the blame and the penalty will attach to the commanders, in proportion to the injury sustained on that account. They should also have their men well under command, in order to furnish them with all these things when they need them, and if they do not they must be punished in proportion to the injury resulting from their disobedience.

#### LAW IX.

##### **Ships Should Be Furnished With Men, Arms, and Provisions.**

Ships, as well as castles, should not only be provided with men and cargoes, but also, as we have stated in other laws, be furnished with arms and provisions, for without these they could not exist, or carry on war. For this reason, in order to defend themselves, they must have coats-of-mail large and small, pourpoints, cuirasses, shields, and helmets, in order to resist blows with stones, and to strike firmly. They should also have knives and daggers, spades, axes, clubs, and lances, some of the latter furnished with iron hooks to repel boarders and destroy them, and others with chains to attach to ships to prevent them from going ashore. Vessels should also be provided with wheeled crossbows two feet high, having stirrups and darts, stones and arrows, as many as can be taken; and jars of lime, with which to blind the enemy; and others containing soap, in order to make them fall; and, in addition to all this, liquid pitch for the purpose of burning ships; and they should always carry a super-abundance of these things, in order that the supply may not fail them. They should also carry a large quantity of provisions, as, for instance, of biscuit, which is a very light kind of bread, for the reason that it has been cooked twice and lasts longer than any other, and does not spoil. They should take, in addition, salt meat, vegetables, and cheese which is food of such a kind, that a little of it can sustain a large number of people; and garlic and onions to prevent them from experiencing the bad effect of the sea air and of the impure water which they drink. They should, moreover, carry with them as much water as possible, but this cannot be a great quantity, since it is wasted and spoiled in many ways, and, besides, it is something which men are unable to dispense with, and very frequently when they are not careful to provide it, it is exhausted, and when it fails they must either die or run the risk of death.

They should also take vinegar, which is something necessary for their food and to drink with water when they are very thirsty; for cider and wine,

although men are very fond of them, are beverages which affect the brain, which is unsuitable in every respect for those who engage in marine warfare. Hence the ancients forbade that beverages of this kind should be carried during great wars, on either land or sea, or that any others should be taken which interfere with the prudence of men, for this is the one thing in the world which is the greatest impediment to the performance of all deeds, and especially those of importance. However, when it cannot be avoided, they should make use of them, but in a way not to cause them any injury, by drinking but little, and mixing much water with them; for, as it is well for men to drink in order to live, so it is evil and exceedingly degrading to desire to live in order to drink. Wherefore, commanders of ships should be very familiar with all these matters, and employ their knowledge in three ways; first, they should have the supplies conveniently at hand for a considerable time before they are required; second, they should take good care of them, and not waste them, without replacing them; third, they should make use of them as is proper, and when it is necessary. Those who do not act in this manner, when the ships are lost through their fault are, for this reason, traitors, just as if they had lost a castle, and should be put to death and be deprived of all their property.

#### LAW X.

##### **Those Who Risk Going to War By Sea Should Be Protected and Honored When They Carry It on Successfully, and Punished When They Do Not.**

Those who risk their persons in war on land display great intrepidity, as we have previously shown, but the valor of those who make war on the sea is much greater. For war carried on by land involves no other dangers except that of the enemy alone, but in war by sea this peril is incurred and that of the water and the winds, as well. There is still another risk; for he who falls from his horse cannot fall lower than the ground, and, if he is clad in armor, will not be hurt; but he who falls from a ship, must, necessarily, go to the bottom of the sea, and the more heavily armed he is, the more rapidly he descends and is lost. Moreover, where men attack a city or castle by land, they can withdraw to one place or another, but those on the sea cannot do this, for when ships approach one another and are joined in battle, those who are on board of them cannot turn aside to any place, because the contest must be carried on vigorously with all the arms at their command. Therefore they are in great peril of the enemy, for there is nothing between them and their opponents except their hands and arms with which they strike; and, moreover, toward the sea, there is only a plank between them and the water, and they are exposed on all sides to the winds and storms. In addition to all this, they should exercise moderation in eating and drinking, and should eat very little, and not of the food which they prefer but of that by means of which they can only sustain life, as we have previously stated.

If these resources fail them they have no others to make use of, which is not the case with those who wage war by land, for, if they have not sufficient food and supplies, they can go elsewhere and seek them, and if they do not find them, they can live on herbs, and on their own animals which they take with them. But in addition to all the dangers and hardships which we have mentioned, there is another and still greater one, for there is not sufficient room in a ship where those on board can rest, or sleep quietly.

For all these reasons they who venture to engage in marine warfare should be bold and diligent, in order to escape the dangers of the sea and those of the enemy, and when they are men of this kind, they should be honored and protected. Moreover, they should be given their pay and their



share of the booty which they have taken from the enemy; and those belonging to the fleet who fail in the performance of their duties shall be punished in proportion to the offense, according to place and time at which it was committed.

## TITLE XXV.

### Concerning Rewards, Called in Spain Compensation.

Reparation for injuries by men, while it should be made at all times, is especially proper in time of war. Wherefore, since in the preceding Titles we spoke of those things which men ought to observe and do, in war carried on both by land and sea; we desire to speak here of the reparation which should be made for injuries inflicted during its continuance. We shall show what rewards—or compensation as it is called in Spain—are; of how many kinds they consist; for what reasons they should be paid; how this should be done, and who has authority to do it, and what kind of men they should be; and at what time and in what way it should be done.

#### LAW I.

##### What Reparation Means and for What Reasons It Should Be Made, and in How Many Ways.

The rewards which men have the right to receive for injuries inflicted in war, are called compensation in Spain. It derived this name from a Latin word *erigere*, which means to raise up something which has fallen, and from this those who went to war conceived the idea of applying the word compensation to the rewards given to men out of the booty, on account of the injuries received by them in their persons and property. From this compensation many advantages are derived, for it makes men take greater pleasure in martial deeds, knowing that they will not suffer poverty on account of the injuries they receive in war; and it causes them to engage in battle willingly, and bear themselves more valiantly, and it removes sadness and sorrow, which are feelings very injurious to the hearts of men who engage in hostilities. We desire, in the first place, to speak of the compensation for injuries to men's bodies, for the reason that it is the most honorable, and we shall afterwards refer to others, in conformity with the classification of the ancients.

#### LAW II.

##### How Compensation Should Be Made for the Injuries Which Men Receive in Their Bodies.

Man is the most eminent of all beings God created in this world, and just as his deeds are more important than those of all other creatures, so the ancients deemed it proper to treat first of what related to them, and for this reason they decided that the compensation given for corporal injuries should be made before any others. These may be divided into four classes; three where the party is living, as where he has been taken captive, or been wounded so that he can never recover, or is crippled for life, and the fourth is when he is killed by the enemy. For these reasons they considered it just that if any of them, while on a predatory excursion, or engaged in any other kind of warfare which we have previously mentioned, should be made captive, one of the prisoners taken by the other side should be exchanged for him according to his rank whether he was a knight or a foot-soldier; and if they did not have such a one, that so much of the booty should be given that would buy another man like him, in order that he might be delivered from captivity.

If he was not wounded so badly that he would lose a limb, and the wound was on his head, and could not be covered with his hair, he should be paid

twelve maravedis; and from a wound on the head from which a bone was removed, ten maravedis; and for another wound where the bone was not taken out, five maravedis.<sup>1</sup> For a wound on the body, reaching from one side to the other, ten maravedis. For a wound on the arm or the leg, reaching from one side to the other, five maravedis. For another wound which did not pass clear through, half as much as for one which did; for the fracture of a leg or an arm, where the party would not be crippled for life, twelve maravedis. But where it happens that anyone is wounded in such a way, as to be maimed; as, for instance, when he loses an eye, or his nose, or a hand, or a foot, for each of these he should receive a hundred maravedis, and for an ear forty. Where he loses his arm as far as the elbow, or his leg as far as the knee, or above it, he should have a hundred and twenty maravedis. Whoever loses a thumb, is entitled to fifty maravedis, for the second finger opposite the thumb, forty, for the third, thirty, for the fourth, twenty, and for the fifth, ten maravedis; and for four fingers, if they all should happen to be cut off together, eighty maravedis, if the thumb remains. Where the party loses four front teeth, either above or below, he should receive for each of them forty maravedis; and for any other wound by which he is permanently crippled he should have a hundred maravedis.

### LAW III.

#### For What Reasons Compensation Should Be Made for Those Killed in Forays.

Many men are killed in forays, impelled by a desire of serving God, of protecting the country in which they live, and of honoring their king, who is their natural lord. For this reason the ancients deemed it proper that where a man lost his life in this way, and was a knight, the members of the entire expedition should give him a hundred and fifty maravedis, and if he was a foot-soldier, half of this sum. These maravedis, donated for the sale of his soul, can be devoted to whatever purposes he thinks proper if he dies with the power of speech, or makes a will; and if he does not, the third part should be used in that way, and the balance belong to his heirs. They commanded this to be done thinking that there was a very just reason for it; for if those receive compensation who have suffered less bodily injury, much more should they be entitled to it, who lose their lives for the aforesaid reasons; and the ancients did not consider it right, where men perished in this way, even though their bodies died, that the good which they had accomplished should also perish. And, properly speaking, men of this kind, should be said rather to have passed away than to have died; for it is certain that he who loses his life in the service of God, or for the sake of the Faith, passes from this life into Paradise. Moreover, he who dies in the defence of his country and for the sake of his natural lord, displays his loyalty and changes with the things which change every day, and passes away to obtain renown and constancy for himself and for his race forever.

### LAW IV.

#### Animals and Arms Belonging to An Army and to Foraging Parties Should Be Appraised Before Their Departure, in Order That It May Be Known What Amount Is Available for Compensation.

Men lose animals, arms, and other things in war, from which compensation for injuries must be obtained, and especially from the booty conquered from the enemy. And because covetousness sometimes causes men to ask more for

<sup>1</sup> The original maravedi was a gold coin struck by the Almoravides about the beginning of the twelfth century, and worth, allowing for variation in values, about \$22.00 of our money. The more recently coined maravedi, of copper, was worth 2/5 of a cent, and was abolished in 1848.

a thing which they have lost than it is worth; therefore the ancients deemed it proper that before an army or foraging party left its starting point, all the property, animals, and arms which they took with them should be appraised. They did this not only that each one might receive compensation for what he had lost, but also that the losers might not be guilty of oppression to the others, by asking more for their property than its true value. In order to do this they considered it fitting that the most intelligent and loyal men to be found among them should be appointed appraisers, swearing first in the name of God, that they will protect every one in his rights, not only those to whom the property they appraised belongs, but also the others who have to make compensation for it.

After they have been sworn in this manner they should examine and appraise the said animals and arms, and make a record of them, showing the number that each person takes with him, and how much each, by itself, is worth; and no matter how much may be collected from the foraging party, or the army, compensation should be taken out of what has been obtained by conquest, according to the appraisement of the above mentioned persons, of what they find has been really lost accidentally, and without the fault of those to whom it belonged.

### LAW V.

#### How Compensation Should Be Made for an Injury Sustained by Men's Property, When It Has Not Been Appraised.

Where an army is so large that great delay will result through the appraisement or record of property, as stated in the preceding law; or where a foraging party desires to depart secretly, or in such haste that for this reason it cannot be done; the ancients ordained—in order that the plans of the war might not be interfered with since they were already prepared—that where a saddle rider lost his horse, or any other animal used for that purpose, after the foraging party had departed, in any of the following ways, namely: if it is killed, or escapes from him so that he cannot recover it, or dies or is stolen from him; he should receive from the foraging party as much as said animal cost him, if its death or loss happened in the same year in which he bought it. Where the time is longer than a year, he should be given as much as its value amounts to when estimated by himself and two other knights of the party, who may be men of noble blood or others, and this should be done under oath. Whoever loses a mule or a pack-horse, through natural death, or through its being killed, should receive for it any sum the owner swears to, up to twenty maravedis, and for an ass, five maravedis. Where a horse, or other animal, used for riding, is lost through a wound, or where its tail is cut off, or it is maimed in some other way so that it cannot be cured, the foraging party should take it, and pay him to whom it belongs, in the manner which we have previously stated. Where it has received a wound of which it can be cured, the commander, or the *adalid*, should cause it to be kept for the space of thirty days, and if it is cured within that time, it should be restored to its owner, and if not, the members of the foraging party should pay him for it, and they can then dispose of it in whatever way they desire; and we decree that this shall be done if it is brought to the attention of the commander or the *adalid*, within three days, and that the same rule shall apply to all other animals of every kind whatsoever.

Moreover, anyone who loses his arms while on a foray or with a foraging party, during a battle, a skirmish, or a fight, should be compensated out of the booty obtained, to such an amount as he who lost them shall swear to along with two knights selected from those who were present at the time. Where he loses them in any other way, through his own fault, it is not just that compen-

sation should be made to him for them. Moreover, the arms and the horse of a party killed or taken captive by the enemy, if they were lost in the place where he was killed or made captive, should be paid for by the members of the foraging party either to him, or to his heirs. We further decree that, if anyone's horse should die there, or be killed, some animal used to the saddle should be given him by members of the party, from among those obtained as booty, until they pay him for his, and, in case it is sick or wounded, they must pay him the hire of a mount on which he may ride, if they have not captured any to give him.

## **TITLE XXVI.**

### **Concerning the Share Which Men Should Have of What Is Obtained in War.**

Gain is something which all men naturally desire to secure, and especially those who engage in war; first, on account of the expense which they incur; second, because they expose themselves to great dangers on account of it. Wherefore, since in the preceding Title we have spoken of the compensation which men should receive on account of injuries sustained in war, we desire to speak here of the share they should have of what they obtain thereby. We shall explain what division means; how it is beneficial; in what way it should be made; how much each one should have, and according to what calculation; how the division should be made, and by what men; what benefit results when it is made as it should be; and what injury is caused when this is not done.

#### **LAW I.**

### **What Division Means, How It Is Beneficial, and in What Way It Should Be Made.**

Division means the giving to each one what he is entitled to out of whatever is distributed, and great benefit is derived therefrom, for, where property that is obtained by conquest is apportioned according to justice, two advantages result from it; first, it prevents discord from arising among men; and second, it enables them to be paid with what is in their possession, which, as wise men have declared, goes to make up the most pleasant and peaceful life which a man can enjoy in this world. And if, in all other kinds of gain obtained by men they should follow this rule; much more should they do so in what is obtained by conquest in war, where they endure many hardships and are exposed to very great dangers; which gives them reason to think that for each of these they are entitled to a liberal share, and this is eminently just. For which reason it was formerly determined by those accustomed to war and skilled in it that all the booty secured by those should be divided according to the rank of the individual, and in proportion to the deeds which he performed. On this account they decreed that, after they had obtained a victory, the king, or the general who was present, should collect everything that remained upon the field, and after it had all been brought together, none of it should be divided until those who were in pursuit of the enemy returned. They did this for two reasons; first, that men might have a desire to inflict injury upon their adversaries, and pursue them, being aware that they would undergo neither loss, injury, nor diminution of what was due them if they had remained. The second thing which they had a right to expect was that, on account of the pursuit which they were engaged in, those who remained behind would themselves receive honor and advantage, and for this reason the latter considered it fitting to honor them by awaiting their return.

Those who, in any other way, rob, take, or divide property of any description whatsoever, before those who engaged in the pursuit return, shall undergo the penalty mentioned hereafter. But where those whom we have mentioned, as pursuing the enemy, are routed through perverseness of heart or lack of prudence, not being willing to obey orders, they should have no share in what the others have obtained. For, since they were lacking in discretion and valor, which are the two things in the world most necessary in war, the ancients considered it proper that that portion of the booty which they expected to have should also be lacking to them.

**LAW II.****Men Should Avoid Trying to Be Too Avaricious in War, and in Other Undertakings in Which They Engage.**

Injuries of many kinds result to men through exceeding avarice, and especially is this the case with those who go to war; for, they, if they do not know how to avoid it, suffer death, disgrace, and the loss of what they possess, and sometimes of all these. And, leaving out of consideration the injury which they may undergo, they are considered greatly dishonored because they receive it, showing themselves to be contemptible, by rather desiring to acquire riches in the world than to conquer their enemies, which is the highest distinction that can be obtained; and, even without this, great evils arise from this source, for, very frequently, when they allow themselves to be overcome by avarice, the fury which they should display towards their enemies they direct against themselves, some depriving others of their property by violence, and wounding and killing one another, desiring to profit in any way they can, and disregarding justice and reason.

Wherefore the ancient knights, who were men of noble hearts, forbade this very decidedly on account of the great evils which they perceived would result therefrom in three ways: first, through disobedience to their superiors, by disregarding their commands; second, in permitting themselves to be overcome by their enemies through their own fault, where they had already conquered them; for it happens many times that, on account of the disagreement which the enemy sees exists between those who are plundering the camp, he turns upon them and vanquishes them, and the latter not only lose what they have gained, but also their lives, and all that they have in their possession. Third, because, sometimes, those who are in pursuit of the enemy lose the booty which they might have held, through the mistake of others who remain for the purpose of pillage; for it is very unjust for good men to suffer loss through those who are wicked; and also, because they might happen to be destroyed on account of the plundering by their comrades, and the king or some other lord who was present, be killed, or taken prisoner. Therefore they ordained that, when any troops have conquered in a battle, skirmish, fight, or tournament, or have entered any fortress by force or stealth, or any ship belonging to the enemy, no one should stop for plunder until the action was over, so that they might remain victorious and worthy of honor, and their enemies be thoroughly beaten, or dispersed.

They, however, considered it proper that those who were in pursuit of the enemy should always act prudently so that those in flight might not see them in great disorder in their rear, and, for that reason, turn upon them, and scatter them or draw them into an ambuscade by means of which the same misfortune might happen to them. But what we have said with regard to the pursuit is not understood to apply to the commanders, for it is not proper that they who had conquered the field from their enemies should leave it; but they should remain quiet, preserving their honor, until the arrival of those who had gone in pursuit, in order that they might know the exact spot whither to return, and in case they should happen to be defeated, that they might find there protection and encouragement.

**LAW III.****Men Should Not Stop to Plunder When They Enter a City, Castle, or Other Fortress, and What Punishment Should Be Inflicted Upon Those Who Do So.**

Where soldiers enter a town, castle, or other fortress by force, they should not stop to plunder, for from this arise many great dangers to those en-

engaged in it; for men must be scattered while entering the houses of the inhabitants, who are always more familiar with the vicinity than those who come from without; and, moreover, while proceeding in this way, they will be unable to go to the assistance of one another, as they can do in a field, or in any place which is open, and, for this reason, they are very frequently captured, killed, or wounded; and still another evil results from this, for they cause their lords to fail to capture a place which he might have taken, and they themselves also lose property which they might otherwise have secured; and therefore, no one should stop for pillage until complete possession has been obtained of all fortified places.

They also decreed that those who boarded vessels upon the sea should not stop to seize anything until the entire ship was taken; wherefore whoever acts contrary to what is stated in this and in the preceding law, and vilely, through avarice stops for the purpose of plunder; in any of the cases which we have mentioned, where they are men of the highest rank, they shall lose the estates which they hold of the king, and not share in the spoil, and where they are of other and lower rank, they must pay double the value of what they took, and not have any portion of the spoil; and if they have nothing with which to pay, they must be placed under arrest until the king or the lord commanding the expedition inflicts upon them the penalty which he thinks they deserve. But, if they, through their fault by stopping to plunder, are conquered, or the king or any other lord there present is killed, or taken prisoner, they must suffer the same penalty as if they themselves had done these things. And we decree that this same punishment shall be inflicted upon those who, while contending with the enemy in any of the ways above mentioned, and before they have defeated them, appropriate any property and remove it; for the ancients considered a deed like this so unjustifiable that they ordained that although the guilty party should pay double the value of what he had stolen or plundered, he should by no means be pardoned on this account; but that he should be mounted on a mare or ass, holding its tail in his hand, and paraded before the army or foraging party to which he belonged when he committed the act. They imposed this penalty upon him in order to disgrace him, because he was unable to control himself, by reason of covetousness, and had no desire to be good. Where, however, the king or any other lord, has agreed to impose heavier penalties than these, they must prevail, for lords have the power to abolish, increase, or diminish whatever they believe will produce benefit or remove injury, dependent upon the time, and the nature of the deed.

#### LAW IV.

##### **For What Reason the King Should Be Given His Dues Out of the Booty Obtained in War.**

The ancients gave proper and evident reasons why men should lawfully give to the king his share of the booty obtained in war. Wherefore they established the rule that he should be allotted the fifth of what was secured in that way, and for this they advanced five reasons; first, in recognition of his sovereignty which gives him superiority over them, and because he and they are one, he representing the head and they the body; second, through the obligation of common nationality, existing between them and him; third, on account of their gratitude for the benefits which they receive from him; fourth, because he is bound to protect them; fifth, that they may assist him by contributing to the expenses which he has been to, or may incur. No one but the king is entitled to this right of the fifth, as it belongs to him exclusively, for the aforesaid reasons, and although he may wish to bestow it upon someone as an inheritance forever, he has no authority to do so, because it is something which



especially concerns the sovereignty of the kingdom. But, when he desires to confer a benefit or a favor upon anyone, he can concede to him the right to have the income from the fifth for a stated period, or during the life of the king who grants it. There are other dues which should be given to the king out of the most valuable and precious booty obtained from the enemy; and this is for the purpose of showing him special honor; and, in addition to all this, he should have still other rights in the booty, for the reason that he provides his followers with the means by which it is secured, as is set forth in the laws of this Title.

### LAW V.

#### What Things Should Be Given to the King, As His Dues, Out of the Booty Obtained in War.

The ancients deemed it just that a fifth of all movable property which men obtain in war, of every description whatever, living or dead, should be given to the king.<sup>1</sup> And they also decided that when the king was victorious in battle, he should have the commander-in-chief of the other army, when taken prisoner, along with his wives, one or more according to his religion, and his sons, if he had taken them with him, and the men appointed especially for his daily service, along with all personal property found in their possession which belonged to the commander himself. He had, moreover, a right to the towns, castles, and fortresses, no matter how they were acquired, and the palaces of the kings—and where there was no king those of the most prominent men—which were situated in the localities conquered; and We hereby decree that the same rule applies to ships taken from the enemy. And they also deemed it right that every prisoner sold at auction for a thousand maravedis, or more, should belong to the king, if he paid a hundred maravedis for him; and also that he would be entitled to any other captive, even though he were not worth so much, where the king could obtain in exchange for him, a town, a castle, or other fortress, or receive some service which would be an equivalent for his release, and this would be the case where he paid for him what he was worth.

What is stated above is understood to apply not only to the booty obtained when the king is victorious in battle, but also to what is secured in a skirmish, fight, foray, tournament, predatory excursion, raid, or ambuscade; or where a town or castle is entered by force, or stratagem; or where ships of the enemy are taken by sea or land, or in any other way whatever which can happen in time of warfare; and when the king himself is not present in the action in which booty like that above mentioned is obtained, the commander-in-chief, acting in his stead, should collect it for him, having been especially ordered by the king to do so. They also considered it proper that where the king, or anyone else representing him, furnished supplies to those departing on forays, the king should receive half of all the spoil which they secure. Where a nobleman, who holds a fief of the king, sends his knights on a foray, furnishing them supplies for that purpose, and they receive from the king their daily expenses, they deemed it proper that the nobleman should have half of all the booty secured, for the reason that they were his vassals and had been supplied with his provisions, and that he should give to the king half of all that he obtained from them, because he had received from him what supplied their wants.

<sup>1</sup> This rule is of great antiquity, and was formerly of almost universal application. It was, in effect, the surrender to the government of a certain portion of the booty obtained by a victorious army, and partook of the nature of a tax. The majority of ancient political systems sanctioned it.

The Koran enjoins its observance; "Know that whenever you gain any spoils a fifth part thereof belongeth to God, and to the Apostle and his kindred, and the orphans, and the poor, and the traveler." (Sura VIII.42.) The Moors, of course, practised it, and the Spaniards, to whom it was already familiar, adopted it among their military regulations.—Ed.

**LAW VI.****In What Way the King Should Be Given His Share of the Booty Obtained in War.**

The ancients made a distinction as to how men should give to the king the dues that we have mentioned, which were to be reserved from the booty obtained in war. They decided that when the king was victorious in battle, if he was actually present, he was entitled to the fifth of all movable property obtained, before the compensation for injuries was deducted, or any other division made, or anything put up at auction. This fifth should be reserved in the following manner, namely: one part must be taken out of every five, and where prisoners are captured, or anything else of special importance to which the king is entitled as a matter of honor is obtained, as we have already stated, and those who secure it do not immediately deliver the same to the king, or to whomsoever is acting as his representative to receive it for him, they should be punished as persons unacquainted with the duties which they should perform, and who do not understand the reasons for which it is proper that they should perform those duties, and are ignorant of the way in which they should discharge them.

Wherefore the penalty which parties of this kind should suffer in their persons and property must be determined by the king and council, the booty obtained, the men who secured it, and the time and place at which this was done, all being taken into consideration. If, however, the king is not actually present in the battle and his followers are victorious, the latter should first reserve the compensation for the injuries which they have sustained, and what the guards who protect the army or the booty are entitled to, as well as the shares of the sentinels and sentries stationed for the protection of the army or foraging party; and, after all this, the king should be given his fifth out of what was sold at auction. This is not understood to apply to the more important spoil to which the king has a right as a matter of honor, as we have previously stated; for this should not be sold at auction, but those who captured it ought to deliver it to the king, and he should reward them for doing so as he thinks proper. We decree also that this same rule shall apply to all booty obtained in a skirmish, a fight, or a foray, where any commander acts under the king's orders.

**LAW VII.****In What Way a Foraging Party Should Deliver the Fifth to the King, When It Departs from the Place Where the King Happens to Be, or from Some Other.**

When a foraging party leaves a place where the king happens to be, its members should give him a fifth of the booty in order to honor him; and also apportion the compensation and attend to all other matters relating to the *fueros* governing foraging parties, as we shall set forth hereafter. But where the king is not present when it departs, all the other matters which we have referred to should first be provided for, and the fifth paid afterwards. Moreover, we decree that a foraging party which leaves any place, and, before returning to it, goes to another where the king is present, should give him his fifth, before any other part of the booty is disposed of or divided. The ancients, who made the *fueros* of Spain, considered it proper that where any vassal of the king either leaves his country, or achieves any of the above mentioned feats in a place which would belong to the king by right of conquest, or takes refuge in any stronghold under his control with the booty which he has secured; for any one of these reasons he is required to give the king his fifth, as well as all the more precious booty already mentioned, to which he is entitled as a matter of honor. The ancients further stated with regard to this subject, that where he who obtains a victory, or performs any great deed of arms,

is the vassal of, or was born in the same country with, the king, and goes to the dominions of another, and before he returns is impelled to perform any of the acts which we have mentioned, and takes supplies from his own country, he should give the fifth of all he obtains to the king, on account of the sovereignty of the dominions from whence he departed, and the supplies with which he was provided from that source.

#### **LAW VIII.**

##### **Concerning the Booty Obtained in Warfare to Which the King Cannot Lay Claim.**

Men obtain many kinds of booty in war out of which they should not pay any dues to the king, as, for instance, that which is gained in a tournament, which should belong exclusively to him who secured it, except where a man is captured of whom the king can make a profitable disposition; in that case he should be delivered to the king, and the latter should bestow substantial rewards upon those who give him up. We declare that the same rule applies to the booty obtained in predatory excursions, where they are made by order of the general, and also to that obtained by troops while in pursuit of the enemy, where they deprive them of what they were carrying with them, but not to such who have ransomed themselves—unless the general is taken prisoner, as we have stated—or to such things especially exempted by the king, in which each article is specifically mentioned; or of such as he excepts by his word, according to some agreement entered into between the parties through a promise to give something for the sake of God, or to liberate captives, or to perform some other good deed, which may turn out to their advantage. We decree that this same rule shall also apply, to whatever is obtained by the army, or by a foraging party, or in any other kind of warfare, whenever the king, by his royal word, bestows upon them the spoil obtained in the enterprise; and this verbal grant, although it is understood to have reference to everything belonging to the king and the kingdom, has its separate meaning so far as it relates to warfare, for, in this case, it indicates, just as if the king himself had said so, that all the movable booty which each one secures shall be absolutely his. No one has authority to make this verbal grant, but the king himself, either by word of mouth or by his letter in which he commands it, or where he confers authority on another to speak for him.

In addition to all the things above mentioned, men can acquire other booty out of which they ought not to pay any share to the king; as, for instance, when enemies invade their country for the purpose of giving them battle and are defeated. For, in this case, what every one secures should belong to him, with the sole exception of the king of the enemy, since if he is taken prisoner, the other king should have possession of his person, and give a substantial reward for it. Moreover, whenever anyone happens to be taken captive in any kind of warfare, and the other members of the foraging party exchange another captive for him from among those whom they have taken prisoners, or contribute money for his ransom, the king is not entitled to the fifth, the tenth, or any other proportion of the value of the said captive, or of the maravedis which they gave for the ransom of their companion. There are other kinds of booty of which men are not bound to give a share to the king, as, for instance, that which sentinels and sentries, scouts and spies obtain from the enemy; for neither the fifth nor any portion of what each one of these secures in the discharge of his duty, should be surrendered.

#### **LAW IX.**

##### **How Division Should Be Made So that Each One May Have that to Which He Is Entitled.**

When everything belonging to the king has been given him, as we stated in preceding laws, the remainder should be divided among the others, so that each one

may have what is suitable to his rank. This is done for three reasons; first that they may exert themselves to obtain booty; second, that they may display their loyalty in defending it; third, that they may be judicious in preserving it. Wherefore the ancient people of Spain ordained that, in addition to the right which each one should have to a share of the booty which he secured, all were first entitled to compensation for the injuries they had suffered, as above stated in the Title treating of this subject. They were induced to do this for two reasons; first, through pity, grieving for the misfortunes which men suffer; second, in order to reward them for the good which they do.

#### **LAW X.**

##### **How Sentinels and Sentries Should Perform Their Duties, and Have Their Share of All the Booty Obtained.**

Those men who are stationed to protect the army by day, watching for the approach of the enemy at a distance, are called sentinels, and they do so in order that they may give notice to their companions, and the latter be able to protect themselves from receiving injury, and this they do openly; but there are others who watch in secret, in such a way as not to be visible, and for this reason they are designated scouts. This kind of warfare is productive of great advantages, for, by means of it, without showing themselves, men ascertain the number of their enemies and where and how they go, or come. We make this same statement concerning the night sentries who are placed on guard, since the information which sentinels obtain by means of sight, the former must obtain by means of hearing. And, although the duty of the sentinels is very dangerous, for the reason that they are compelled for the entire day to stand and watch in the direction where it is necessary, which is difficult and very harassing, and besides, must suffer exposure to the weather, no matter how disagreeable it may be; very much more arduous is the duty of the sentries, for they have to protect themselves as well as their comrades, and it frequently happens that where they do not know how to do this well their enemies take them prisoners, or kill them, and their companions are for this reason defeated; and since the duty of these is attended with great danger, so that if they do not discharge it properly they must lose their lives; for this reason they should be paid before the division of booty is made, and in addition to whatever they are entitled to by the agreement entered into with them, all that comes into their hands while in the performance of their duty should be theirs.

#### **LAW XI.**

##### **Spies, and Those Who Obtain News of the Enemy, Should Have a Share of the Booty Secured By the Others.**

Those men are called spies who associate with the enemy and learn his plans so as to give notice to those who send them to protect themselves, that they may be able to inflict, and not receive injury. These should carefully employ wisdom and artifice in order to ascertain with certainty the movements of the enemy, so that they may be able to give reliable information of him to their companions, for this is something which is very essential to those engaged in warfare. There are others who go out for the purpose of obtaining intelligence. This happens when an army or foraging party desires to move, and those who compose it are not acquainted with the movements of the enemy, and send out scouts, to seize the first man or woman who may fall into their hands, in order to gain information from them. And although the scouts whom we previously mentioned, as well as the latter, are obliged to furnish their comrades with news of the enemy, there is, nevertheless, a distinction between the two, for the regular scouts must, themselves, afford this

information, and the others communicate it by means of those whom they have taken prisoners. For the reason that this cannot be done without incurring great danger, the ancients established the rule that they should be paid before the division is made, according to the agreement entered into with them, and, that in addition to this, whatever they obtain while employed in this way should be absolutely theirs. For, as it is but just that they shall lose their lives when they do not perform their duties faithfully, so it is very proper that they should be generously rewarded when they perform them well.

## LAW XII.

### How Quadrilleros and Guards Should Dispose of the Booty Obtained in War.

Guards should be stationed by armies and foraging parties to protect all the booty obtained from the enemy, that it may not be lost, taken by force, or stolen, and, in their selection, care should be exercised that they be men who know how to act loyally, and, in the first place, they should be made to swear that they will guard it vigilantly, and that, through avarice, they will not be guilty of fraud with regard to it. As it is their duty to protect this property they are called guards, and although they are obliged to do this to the great profit of these who secure the spoil, so arduous is the labor which they perform in doing it, that the ancients deemed it proper that they should be paid before the division is made.

There are other officers called *quadrilleros*, who are chosen by dividing the army or foraging party into four parts, and selecting from each a good man, who fears God and respects himself. In addition to all this, the ancients ordained that each *quadrillero*, should possess three qualifications; first, he should be loyal; second, of good judgment; third, patient. For loyalty will protect him from erring through covetousness; good judgment will cause him to give to each one that to which he is entitled; and patience will prevent him from becoming angry, or complaining for the many reasons, and in the many ways which men designate as intemperate. Hence they are called *quadrilleros*, because each one must know the amount of compensation due to the several members of his division, and, in proportion to it, the amount to which he is entitled from what remains. Therefore, as soon as they have chosen, they should be sworn that they will perform the above mentioned duties well and faithfully, and because their duties, and those of the guards whom we have referred to are onerous, they should be paid according to what was promised them before the division is made. And, where any of them fails in his duty, by knowingly committing theft or fraud, he shall pay triple the value of the article in question, and this is done in order that the division may not be interfered with on account of it. If the party does not have the means with which to pay, he should be put to death as a man who deceives those who trust him.

## LAW XIII.

### How Officers Should Be Paid, When No Certain Amount of Property Has Been Set Aside to Be Given Them.

It happens, sometimes, that those who belong to an army or a foraging party, forgetting themselves, do not put aside anything to be given to sentinels, scouts, spies, or those who obtain information, or to guards or *quadrilleros*. And to avoid any discord which might arise on this account, the ancients deemed it proper that, whenever this happened, the members of the foraging party should select men in whom they trust, who ought to be reliable and possessed of the three qualities which we mentioned in the preceding law as requisite for *quadrilleros*, and they should be three, or five in number, in order that if disagreement arises among them, the will of the majority may prevail. As soon as they have been chosen they must take an

oath to perform their duty well and faithfully and, after they have done this, whatever decision they may come to concerning the property to be distributed shall be valid, just as if all had given it together. Anyone who opposes such a decision, or refuses to abide by it, shall suffer the same penalty as a vassal who questions the judgment of his lord, or a soldier the order of his commander.

#### **LAW XIV.**

##### **How the Booty Obtained in a Fight Should Be Divided.**

Where a party happens to obtain the advantage in a skirmish or fight, he should take care that the booty is not stolen from the field until those engaged in the pursuit return, as is stated in the law treating of a battle won by the king. He who acts in any other manner than this should suffer the penalty already mentioned, but, after the enemy has been defeated, all the booty should be brought together, for the reasons stated in this law. Where the commander is a natural lord, either through birth or the inheritance of landed property, although he may not be a king, he should be given the seventh part of the booty; but where he is such by reason of holding a fief, or where he was voluntarily chosen commander, he should then receive the tenth; for the ancients did not consider it right that anyone but the king, or some one upon whom he conferred the privilege, should receive the fifth part of the spoil, as set forth in the law which treats of this subject. And we decree that the same rule shall apply where a commander or lord leaves his own estate or any other which does not belong to the king, when he departs on an expedition of this kind; but where he leaves land belonging to the king, or does so by his command, for any of the purposes which we have mentioned, then the king should receive his fifth of all the booty, as we have previously stated.

#### **LAW XV.**

##### **The Field Should Not Be Robbed of the Spoil Gained There.**

The field should not be plundered by the troops who have conquered their enemies in a battle, skirmish, or fight. The ancients established this rule in order that the booty obtained might not be lost, and that they might more easily make a division of it, and not only did they cause this to apply to the day when the victory was won, but also for the space of three days afterwards, and decreed that all living beings should be brought there and everything already there should remain; and also that where anyone appropriates any property, if this is ascertained within the above mentioned time it should be seized wherever found, and whoever had taken it should be compelled to pay double its value. But by this it is understood that those who acted in this manner could allege no lawful excuse on account of which division could not be made within the period aforesaid. But where the enemy returns to the field, and conquers those who were at first victorious so that they are repulsed and vanquished, and others come and recover what they had lost, those who overcame the enemy the last time, are entitled to all the booty which the others left on the field when they were defeated, and are not bound to give them any portion of it on account of their having first secured it. And this is the case because they conquered it anew, and the others lost it; except where those who were successful at first return to the aid of those who were victorious the second time and who prevailed by reason of the assistance which the former afforded. Where, however, those who subdued the enemy in the beginning, did not wish to pursue them, and others came from some other place and put to complete route those who were already in flight, the troops who routed them are entitled to the booty and are not compelled to share it with those who had obtained the

advantage in the first place, since they were unwilling to go in pursuit of the enemy. This is understood, however, to apply to the case where the victors were so numerous that they could follow in pursuit and did not; but where they are so few in number that they could not venture to pursue the enemy, or so fatigued that they were unable to do so, then they should not lose their portion of the spoil obtained by the others.

This is the case for two reasons: first, because they conquered the enemy in the beginning; second, because through their victory, the others overcame them, seeing they were wounded and fatigued.

But where few conquer many, more through fear than by force, and, while they are in flight, others come up and defeat them, they being neither wounded nor fatigued, then these who arrived subsequently should have the booty and not share it with those who came first; except where some of those who had obtained the advantage in the first place were still in pursuit, for then they should share it, but those who remained on the field should not do so; and all these matters refer to battles, skirmishes, or engagements with the enemies of the Faith in behalf of the king or kingdom.

### LAW XVI.

#### Nothing Obtained in Seditious Tumults Should Be Subject to Division.

Tumultuous uprising means a union of persons arrayed against others for the purpose of injury, and, as those formed in opposition to the enemies of the Faith, the king, or the kingdom, are for the advantage and honor of the latter, so those which are entered into between the people of the country are for their disgrace and injury. This is the case for several reasons; first, because they grieve God, by withdrawing those who might be available to render service against the enemies of His religion, and causing them to kill one another. They also cause great dishonor to their lord, by not being willing to receive reparation through him for wrongs done to them, but desire to obtain it themselves by force, trusting to their boldness and their power and not to the justice which they must receive at the hands of the king. And, in addition to all this, they inflict great damage upon the country, by taking the property of their lord, which they should protect, as well as that of many other persons who do not deserve to be ill-treated by them and rendered poor and unfortunate, and anything of this kind is a source of great affliction to God. The Holy Fathers attached so much importance to this, that the spiritual justice of the Holy Church sentenced to excommunication those who acted in this manner. The ancients imposed upon them the temporal punishment of forfeiting the favor of the king and being expelled from the kingdom, banishing them from it on account of the discord which they procured there by causing injury that should be committed in the enemy's country. In addition to this, they considered it just that they should pay out of their own property seven times the amount of the damage which they had committed; and they also decreed that if the king, or anyone else at his command, went to them, and they refused to desist, they could be killed or taken prisoners, or deprived of all their possessions, as open enemies of the king, and kingdom where they were born, and in which they dwell, and this without any imputation of homicide or sin; and, moreover, that the damage which they had done, as already stated, should be paid for out of whatever personal property belonging to them that could be found; and if this could not be accomplished, that so much of their real estate might be immediately sold as would be sufficient for the purpose, and that those who purchased it should be made secure by the king and the people of the kingdom, and that everything remaining should be confiscated. And, for

the reason that they considered an act of this kind very extraordinary, they ordained that where a faction engaged in battle, no one should dare to plunder, or divide with another any of the property remaining on the field; for, since it was not lawfully obtained they did not consider it right that it should be divided, and they established as a penalty, that he who did so should return it, along with seven times its value.

#### LAW XVII.

**In Tumultuous Uprisings No One Should Take One Man from Another in Order to Conduct Him to Prison, or Kill or Mutilate Him After He Is Conquered.**

No man taking part in a riot should dare to arrest another in order to make a prisoner of him—even though he may have him in his power in the field—or decapitate him, or cut his throat, or deprive him of any of his limbs, unless he wounded him while defending himself; nor has he the right to mutilate him after he has been killed, for it was not deemed proper to injure him or cut off any of his limbs. It was also considered just that those who violated this rule, where both parties were equal in rank, should themselves receive the same bodily injury which they had inflicted, and where they are persons of inferior rank, that they should be put to death on this account, and if they cannot be found, that they should lose all their property. They imposed these penalties upon those who fought; first, because they violated the prohibition of the king; and second, because they ventured to cut off a limb, which no one should do, except him who occupies the position of judge. And, where it happens that one man arrests another of noble descent he should not put him in irons, in prison, or in stocks, or restrain him of his liberty in any other harmful or dishonorable way, unless he is his open enemy and has been so declared by judgment of court. Nor should he confine him in such a way that he may lose his life by reason of it, or make use of him by compelling him to perform labor, or do anything else which is not suitable for him to do; but where the captive is not an enemy he should release him, after he has been sworn and has agreed that he will not do him any harm because he took him prisoner. When the other party is unwilling to do this, he may keep him locked up for nine days, without inflicting any other punishment upon him, but, during this time, he should not remove him to the dominions of another king, or cause him to be ransomed, or resort to any compulsion in order to force him to do what he wishes; or wound, or kill him in any way either through rage or the enmity which he entertains towards him, which was contracted either before or after he took him prisoner. Nor should he use compulsion to induce him to consent not to complain to the king or to anyone occupying his place, or appeal to the law of the land; for an agreement of this kind would not be valid, for the reason that he made it while the other had him in his power and in his custody. The ancients established the above-named term of nine days in order that, during this period, he who was taken prisoner, or his relatives, might communicate the fact to the king, and after he was informed of it, he might send his order or his letter, and command the prisoner to be set at liberty, or despatch a verbal mandate to him who held him stating what should be done.

After his captor has dismissed him by the king's order, he should make it certain that neither the prisoner, nor his relatives, will do any harm to him who held him prisoner, or to any of his people, for the following reason, namely; because he was freed by his order; but if the said captor is willing to liberate the prisoner at his own request, or at that of his relatives, and security is necessary, he should take it from them; for it is not just to ask



it afterwards of the king since he did not take it in the first place, unless the parties with whom he had made the agreement should violate it, for then it will be proper for him to ask it. Where any of those who had taken prisoners were unwilling to liberate them by order of the king, it was decreed that they themselves might be arrested, and kept in custody for a number of months equal to the day during which they had confined the others in violation of the royal order. And it was also established that where any persons stole anything from the field they should pay nine times its value, and that an amount of their property corresponding to the spoil obtained by such persons in a riot should be seized, to compensate for the unlawful acts which they committed, or that they should be killed or banished from the kingdom, as above stated.

### LAW XVIII.

#### What Right Men Have to the Spoil Gained in a Tournament, a Predatory Excursion, a Single Combat, or a Fight.

The ancients deemed it proper that where a tournament was instituted between two armies arrayed against each other, or between the besiegers of a town or a castle and those defending it, every one should absolutely own whatever booty he was able to secure there. This was done for two reasons; first, because he was acting under the orders of his commander; second, because those engaging in the contest expose their bodies to the danger of death in a good cause, proceeding either alone, or a few of them together, and run greater risks than others, who move in force with great bodies of troops, and therefore they are not required to share their booty with anyone else, or deliver a fifth, or any other portion to the king, except in those particular instances mentioned in the law treating of this subject.

The same rule applies to what is obtained in a predatory excursion, excepting where a town or castle is taken, for this should belong to the king with all the other property to which he is entitled as a matter of honor, as stated in previous laws; but in the case of a tournament instituted for the purpose of practising arms, and not to kill or to indulge any enmity which men may entertain towards one another, all spoil secured there belongs to the victor, and should not be divided with anyone, nor a fifth or any other part be given to the king or to any other lord.<sup>1</sup> Where a knight is taken prisoner, he who captures him has the right to receive a certain quantity of property as ransom, according to the agreement entered into before the beginning of the tournament. And if some of the knights happen to fight apart, engaging with one another in single combat, only making use of their lances, he who brings the other to the ground is entitled to his horse, in whatever condition he happens to be, whether armored or not, and he is not compelled to share this booty, or give any portion of it to anyone. But where they happen to contend with one another to establish the truth of any claim, or rather on account of a challenge, the victors should have for themselves all the spoils obtained from the vanquished, and they should not share or contribute any portion of it to anyone, except where a part or all of the property of the vanquished belongs to someone else.

<sup>1</sup> This custom, part of the ordinance of chivalry, prevailed as long as tournaments and jousts were held. The reader will doubtless recall the *Passage of Arms at Ashby-de-la-Zouche*, in "*Ivanhoe*," where the observance of knightly regulations is so graphically and elegantly described.—Ed.

## LAW XIX.

**How the Booty Found in a City or Castle Taken by Storm Should Be Divided.**

Towns and castles are taken in warfare in many ways, for some are taken by force, and others by stratagem. We now desire to state, in accordance with the decision of the ancients, how the booty obtained in each of these ways should be distributed; and, therefore, we decree that when a town or castle is entered by storm, or by stratagem, the soldiers should not stop for the purpose of plunder until they have taken the entire town or castle, and are masters of all the fortifications, as we have already stated; and those who act in a contrary manner should suffer such punishment as we have decreed ought to be inflicted upon those who stop on the field of battle for the purpose of pillage.

After this, the first thing they should do is to deliver to the king the place they have taken, if he happens to be there, by putting him in possession of all the fortifications, and if he is not present, by delivering them to the commander who is there in his stead. But where the latter or someone else under his orders does not happen to be present, but a few persons, acting independently, have captured the place, they should choose certain men of their number to whom it should be delivered in the name of the king, in order that they may hold it for him; and they must assist them to defend it, until the king sends them someone to receive it for him. After this they should collect all the movable property, and, in the first place, set apart for the king whatever he is entitled to on account of his dignity and superiority, as stated in the laws treating of this subject. Their reward should also be given, without delay, to those who first entered the city or castle by storm or by stealth, in the way mentioned in the place where this is treated of; and those who guided them to the city or castle and by whose aid they were enabled to take it, should also be rewarded, according to the agreement entered into with them, and where no such agreement was made, they should be compensated in proportion to the service performed. This should be determined by the judgment of good men chosen from those who were present, and where they do not agree, the matter should be left to the decision of the king, according to what he thinks the parties deserve. After these rewards have been paid, those to which the guards, the *quadrilleros*, and other officials are entitled should be set apart, as we have stated in the laws treating of this subject, but this is understood only to apply to cases where an agreement relative to any enterprise was especially entered into with them.

Next, the king should be given his fifth of all the movable booty obtained, excepting such as has been cut with scissors, or sewed with a needle; and this regulation was established by the ancients on account of the noble rank of the king, because they did not consider it proper, that he should wear clothes that had been either commenced, or finished for another. All the remaining booty should be divided as we shall show hereafter.

Where towns or fortresses are not taken by storm or by stealth, but are surrendered on account of hunger, or for reward, with the agreement that all captives shall be at the mercy of the king; then he can dispose of them and their property as he desires, by giving those who accompany him a share in proportion to the number of troops which they brought with them, and retaining the rest for himself to aid in defraying the expenses which he has incurred. Where the besieged have permission to depart, and leave their property, whatever is found there should be divided as follows: the king should have half and the army the other half. But where an agreement was entered into that they could depart and retain possession of their effects, this should be strictly

observed in every respect, according to the terms in which it was made, and where any one violates it, if he belongs to the nobility he shall be banished from the country, and if he is of inferior rank he shall be put to death, and if he cannot be found he shall lose all his possessions.

### LAW XX.

#### What Should Be Done With the Booty Obtained in War After the Dues of the King and the Officers Have Been Paid, and Before the General Division Is Made.

The single, or double foray—called a return foray—the ambuscade, the foraging party, the predatory excursion, are different kinds of warfare, in which those who engage in them sometimes secure booty. For this reason we desire to state how they should be regulated, in accordance with the directions of the ancients who laid down rules for their action when they wished to despatch them, in order that no dispute might afterwards arise concerning the division of the spoil. Hence they established the rule that after all the booty obtained in any of these kinds of warfare had been brought together in a heap and the king given his dues in the manner aforesaid, and compensation for injuries and the dues of the officers paid, as we have already stated, the *quadrilleros* should be placed in possession of everything remaining, in order to enable them to make the distribution without hindrance. They must put everything up at auction, and take sureties of purchasers, causing the price of every article sold to be recorded, and after they have received the money they must give every one his share, according to what he is entitled, as we shall explain hereafter. Where a party removes any property from the auction it should be included in his share, and if it is worth more than he is entitled to he must return it, and if less the difference should be given him. Those who do not comply with this should be fined triple the value of what they remove, one-third for the king, because they disobeyed his command; one-third for the *quadrilleros*, because they treated them with contempt; and one-third for the foraging party, whom they injured.

### LAW XXI.

#### How Booty Obtained by Those Who Placed an Ambuscade Near a Town or Road Should Be Divided, Whether There Are Two Companies of Soldiers, or Only One.

Great obstacles to what men desire to accomplish arise when they dispute with one another about some particular thing, and although, at all times, great injury results from this, it is very much more serious when men are engaged in hostilities. Therefore, the ancients, for the reason they thought that the removal of contention from among the troops and the direction of it against the enemy was one of the most beneficial things in warfare, established the rule that when any cause of dispute arose relative to booty obtained by making war the proper way to divide it should be considered, in order that not only the division of the booty might be equitably made, but that the securing of it might not be hindered, through discord arising concerning it. Hence they ordained, with regard to matters of this kind, that where two parties are lying in ambush near some city or castle which they desire to attack, or to obtain booty from, neither of them being aware of the presence of the other: or where they are lying concealed in the neighborhood of some road, over which they think some booty will pass which they can secure, and afterwards, having made their attack, each company departs by itself, and does not join

the other, whatever spoil each secures should be its own and should not be shared with the other, except where both of them are subjects of one lord and started from the same place; or unless an agreement had been previously made with those who despatched them that all the booty obtained should be divided among the members of one party alone. However, for the reason that they started by the command of their lord, and from one place, each is bound to return to the said starting point for division of whatever booty it obtains. This was established to prevent their lord or the place from which they departed from being deprived of their rights. However, if it should happen that on their return, both companies, or only one of them, should be unable to reach the point from whence they started, because they lost their way, or were surrounded; or on account of swollen rivers or heavy snows which impeded them; or from being aware that the enemy was in possession of the roads or the passes by which they had to travel; or because their king, lord, or commander, directed, or ordered them to go elsewhere; or by reason of some other obstacle similar to these which affected the entire company that had taken the booty; then, if they can do so, they should repair to the place where they are ordered or to some other which they find more convenient, and there deliver to the king, or to the other lord who despatched them his share, or return to the place from whence they started, as stated in preceding laws, and there divide the booty among themselves. This is done in order that they may not lose their booty because of their inability to return to the point from whence they started.

#### LAW XXII.

##### **What Should Be Done When Two Companies Are Lying in Separate Ambuscades, and Are Aware of One Another's Presence.**

When two companies which see one another, or are aware of each other's presence, are lying in ambush, one of them being the larger, and it should send word to the other that, as it is more numerous, it desires to make the first attack, and that it will not deprive the other of its share of the booty which it hopes to obtain, but that the smaller party may unite with it in making the attack or make one subsequently; in this case, the smaller company should unite with the other, and when this is done all the booty should be equally divided, just as if both had made the attack together in the first place.

Where, however, the smaller party consents that the larger one may make the first attack, and it makes one afterwards, whatever booty each party secures shall belong to it. And when it is agreed between them that both shall make the attack at the same time, independently, where the town or fortified place is such that this can be done to advantage, all the booty taken should be brought together and divided among all, and both should return to their starting point to make the division, where the share belonging to the king should be delivered to him and the division made, as already explained.

Those who act contrary to what is set forth in this law shall forfeit, as a penalty, their share of the booty to which they are entitled; and if the members of either party cause the king or their associates any trouble, they shall be punished for it as the king thinks they deserve; the deed itself, its nature, those who committed it, the place where it was committed, and the time, all being taken into consideration.

**LAW XXIII.****How the Booty Ought to Be Divided When Two or More Predatory Bands or a Return Foraging Expedition, Are United.**

When two predatory bands intending to enter some particular part of the enemy's country meet, and they agree to march together, the spoil which they secure should be divided among them all in common. This is the case because the whole body is, as it were, composed of one company; but when the circumstances are such that each one of the parties can secure something for itself, without placing any obstacle in the way of the other, whatever booty it secures shall be its own, and need not be shared with the others; but where it is understood that the locality is of such a description that one company would hinder the other from accomplishing what it desired to do, it should then be ascertained which first planned the enterprise, and this is the one that should be permitted to engage in it, and the one remaining behind should seek to do some deed which may be to its advantage, or wait until the first one departs, or until it returns, if it desires to do so.

Where both parties planned the enterprise at the same time, the one who first made its arrangements or took the initiative, should be the one to undertake it, unless this was done maliciously, in order to hamper the other. The same rule will apply when the one who took the initiative was smaller in numbers, and acted rather to interfere with the other than to inflict injury upon the enemy. Persons of this kind, on account of their insolence should be punished according to the judgment of the king, as he thinks they deserve, because of the trouble they give him and the members of the other party. And where either of these parties is not able to return with its booty to the place where their shares should be distributed, on account of any of the impediments mentioned in the law treating of ambuscades, it should then act as directed by that law. We decree that this rule shall also apply to return forays.

**LAW XXIV.****How Booty Secured Through a Call for Troops Should Be Divided, and What Apportionment Should Be Made of that Subsequently Obtained.**

A call to arms means an appeal made by men to assist one another or to defend their property, when they are receiving injury, or suffering violence. This is made in many ways as, for instance, by the human voice, or by bells, trumpets, horns, whistles, drums, or by any other means whatever which produces a sound or a signal that may be heard or seen at a distance, as from watch towers or ramparts, according as men arrange them and agree upon them among themselves. Such appeals are of two kinds, some are made in time of peace, others in time of war; and we desire to explain each of them in the same order that the ancients did, and we shall first speak of those made in time of peace. Wherefore, we decree that in response to both kinds of appeals all those who hear them must immediately depart on foot and on horseback, and go in pursuit of those who are causing the damage. For this reason those who are called to arms in time of peace should pursue the evil-doers until they recover what they have lost, and, after they have recovered it, they should not pursue those who carried it off for the purpose of doing them harm. Where, however, the depredators show a disposition to be obstinate while carrying off the said property or in defending it, claiming that they are in the right, then those who are pursuing them, must show that they have lawful reason for taking it, by giving sureties or pledges, according to law, or by command of the king. And if, after this, the others refuse to give it up, defending it by force of arms, then if their pursuers take it from them, or do them injury,

they will not, for that reason, incur any penalty or blame. However, what property of their own they may take from them, in addition to what they carried off, should not be appropriated by any one for himself, or be divided, and this is the case, because when the others come for purposes of reparation, in order to comply with the demands of justice, the former must return this property to them. When property is stolen or seized in this way, although it is obtained by arms, and men are frequently killed and wounded while answering these appeals, and depredators are deprived of what is in their possession, in addition to what they carried off, all of which resembles war; yet, because men do this in order to obtain or defend their rights they are not entitled to any booty while engaged in the recovery of their own property, nor can it be divided, as if they had secured it in war with the enemy.

This is not understood to apply to those whose property the king orders to be taken or seized, on account of a judicial sentence; for a vassal, or a native of the land should not oppose his master in affairs of this kind, unless he petitions him to allow him to keep the property as his own, and humbly asks his pardon; and those who act in any other way will incur a penalty in proportion to the audacity which they have displayed.

#### **LAW XXV.**

##### **How Booty Obtained by a Call to Arms, Made in Time of War, Should Be Divided.**

It often happens that, while men are at war with the enemies of the Faith, or of their natural lord, or of the country of which they are natives, they come forth in response to a call to arms to defend their own property. And although they must do this in compliance with the law, still, it should be done in such a way as to exercise prudence, and not leave the places from which they depart so unprotected that the enemy can take them, or do greater harm there than that which they themselves have already received and in consequence of which they are called to arms. They ought, moreover, to move cautiously, and protect themselves during their march as much as they can from ambuscades, or other artifices which their enemies may devise, by means of which both they and the places from which they departed may be lost. For the ancients, above everything else, directed those engaged in war to observe two things; first, to be careful to avoid injury from the enemy; second, to be prepared and wary so as to be able to do this.

Wherefore when those who understand how properly to answer an appeal to arms overtake the enemy and deprive him of what he was carrying away, all that they take from him, over and above the booty which he had taken from them, should be theirs and be divided equally among them in proportion to what they had secured during the expedition, paying, in the first place, compensation for injuries received, and giving the king that to which he is entitled, as stated in other laws; and although those who answering an appeal to arms overtook the enemy first, might think for this reason that they were entitled to a larger share of the booty than the others who came after them, the ancients did not consider that this was right, but devised a plan equitable and just both for those who were first, and for those who came after them.

Hence they established the rule that those who were first in pursuit should turn their heads around three times, and all those they saw approaching them within the space of a league, which is three thousand paces, should share in the booty, arriving on the field with them as soon as the action was over. They did this for two reasons: first, in order that they might not hesitate to use every effort to advance; second, because very frequently those who first overtake the enemy are put to flight, and those who follow them recover the ground and are victorious.

But those who delay on account of their natural worthlessness or to do harm to those in advance, should not have any portion of the booty obtained by the latter, but should pay the penalty imposed upon them for not answering the appeal to arms, and, moreover, be responsible for the injury which those in advance sustain, through not being supported by them; and this should be inflicted according to the judgment of good men, or of the king, if damage results from their acts. This, however, is only understood to apply to men of inferior or middle rank; for where the parties belong to the nobility, and complain to the king of those from whom they have received injury, the latter shall pay the penalty, as above stated, and, in addition to this, shall be banished from the country for as long a time as the king deems proper.

The ancients established this regulation for the reason that an offence committed by persons of superior rank appears worse and is more injurious than one committed by others. However, it might happen that persons of this kind, even though they were guilty, would not incur the above named penalty, for this would be the case where those in the lead are killed, taken prisoners, or put to flight, and those who follow recover the day and defeat the enemy.

### LAW XXVI.

#### How Those Called to Arms Should Dispose of the Booty Taken from the Enemy, Before They Make Use of It for Their Own Advantage.

Where, under a call to arms, the booty has been recovered from the enemy, as stated in the preceding laws, everything taken should be returned to its owners, each one being given his share in the same condition as it was before he was deprived of it. This is done for two reasons; first, because it is for the common benefit of all that they be required to participate in such an enterprise, because what happens to-day to some may happen to-morrow to others; second, for the reason that those who take part in the pursuit may have sustained such serious injuries that, after the compensation is reserved, nothing will remain for those who were robbed in the first place, and they will even be compelled to contribute some of their own property in addition. When, however, the pursuers have sustained any injury, they should reward those who recover for them what they lost, except where what they recovered was the property of those very persons who responded to the call to arms; for as they answered it for their own advantage they should also endure the injury which they received while doing so. The booty recovered from the enemy, which we stated should be returned to its owners, is not understood to include that which has been for an entire night in his possession, or, for the space of a day, behind the walls of his fortresses or in the power of the army; for the reason that neither during that day nor that night could it have been recovered by their pursuers; so, for either of these reasons, those who took the property are entitled to it, and those to whom it formerly belonged lose their right to the same.

Wherefore, whoever, from that time forward, shall obtain it must rightfully have it, since he removed it from the control of the enemy; except where the pursuers who answered the call to arms act in bad faith, by permitting it to be carried off and placed in the power of the enemy, and refusing to go in pursuit, or recover it as they ought to do. For this reason, even though they may have afterwards recovered it, the ancients did not deem it right that it should belong to them, nor were they entitled to make a division of it even in compensation of the injuries they received; but they imposed the additional penalty upon them that they should pay the value of what they should have rescued from the enemy and were unwilling to do so. Moreover, it was formerly established as the law that those who answered an appeal to arms, and rescued from the enemy men of another

religion whom the latter had taken prisoners, but, who, previous to that time had not been captives, did not acquire any right to them, but that they should be returned to the place from whence they had been taken and permitted to go freely wherever they wished. If, after they have given them their liberty in this way, they prefer to go over to the enemy rather than to remain with them, from that time forward, they will be the captives of anyone who desires to seize them, just as if they were taken in war; and this would also be the case whenever an enemy takes men of this kind prisoners for his own safety and releases them, having pity upon them because he knows that they belong to his religion, and they, after being liberated, are unwilling to return to the place from whence they were brought, although they have the power to do so.

### LAW XXVII.

#### How Booty Obtained in War Should Be Divided in Proportion to the Number of Men.

The ancients deemed it proper, in order that the division of booty obtained in war might be equitably made and each receive that to which he is entitled, as we have already shown in other laws with respect to the booty secured in a battle, a skirmish, a fight, a foray or return-foray, in an ambuscade, in a predatory excursion, or through answering a call to arms, or by entering a town, castle, or other fortress, after the king was given his dues, in the manner which we have stated, for all those reasons set forth in other laws, that he should be given them; and where also compensation has been made to the injured, and the guards, scouts, and sentinels, as well as the *quadrilleros* paid; and the promises made to God for the common benefit of those engaged in these warlike enterprises fulfilled; and the spies and those who obtained information from the enemy rewarded according to the agreements made with them; then, everything remaining should be divided in the following manner, that is by each receiving his share in proportion to the arms, men, and animals which he brought with him. The men, however, should be counted in the following manner, namely; all of them should be actually seen, the name of each one called, and all be compelled to pass under a lance held in the hands of two men, in order that there may be no opportunity for error. The ancients, who were well skilled in war, established this rule for the reason that when men departed from a town, castle, or other fortress, and had to go through certain gates in order to join an army or foraging party, that their number might be ascertained and it be known who each one was, where he came from, whom he served, or what he took with him, they should be counted in this way by passing under a lance.

They did this for five reasons; first, to learn their number; second, to ascertain how they were equipped; third, to know what share of the booty each was entitled to; fourth, to find out if any were absent on account of death, sickness, wounds, or any other reason; or whether they had been sent away for some purpose by the members of the army or the foraging party; or where certain of them were desirous of acting wrongfully, in order to return to their homes or to go and give information or assistance to the enemy, that it may at once be known who, and how many they were; so this was done to ascertain the number of those who remained, and be prepared for defence against the enemy; fifth, that if any strangers should come among them they might be immediately recognized, and the former might protect themselves from injury at their hands, and not permit them fraudulently to carry away any of the booty which they had secured, while desiring to make them believe that they were on their side.

For this reason, and for others of the same kind, where there was no actual door or gate in the army or the foraging party, two men were stationed as walls or pillars, with a lance held above them like the top of a doorway, and they deemed



it fitting that all should pass through there, as through a gate, as above stated. Where, however, mounted men were to be counted, the lance should be held by two horsemen, and for infantry, by two men on foot. They established as a penalty, that those who refused to permit themselves to be counted in this manner should not be allowed to share in the booty obtained; except in the case of a man who was so eminent, or so beloved by the army or the foraging party, that they would be unwilling for him to lose his share on account of his not being numbered with the others passing under the lance.

### LAW XXVIII.

#### Why the Share of Booty Obtained by Men in War Is Called Caballeria, and How It Should Be Divided.

The division of booty, as we stated in the preceding law, should be made according to the number of men, arms, armor, and horses, which those composing the army or the foraging party bring with them. The ancients formulated this rule in order that men might be better equipped and have a greater desire to take with them a complete supply of whatever was necessary for operations against the enemy. For the reason that it was suggestive of warlike deeds, they gave the name *caballeria*, to the portion of the booty to which each one was entitled, regulating it in the following manner, namely; he who secures a horse, sword, and a lance, shall be entitled to one share; for a horse's coat-of-mail, one share; for a complete coat-of-mail with a helmet, shall be given one share; for complete arm plates which buckle on, half a share; for a larger suit of armor, a shield, and a steel cap, one share; for a suit of armor where the sleeves reach to the elbow and has arm plates, one share; for a suit of armor with sleeves to the wrist, and a pourpoint, one share; and he who secures arm plates along with the pourpoint, and a steel cap is entitled to one share. A *lorigon* is a suit of armor where the sleeves come to the elbow, and do not reach the hand; a *camisote* is one where the sleeves extend to the hand; and a *guardabraco* is one which has sleeves. He who obtains plates of armor with a steel cap, is entitled to one share; and he who captures a complete set of plates, with sleeves extending to the hand, and a *lorigon* reaching to the elbow, with the skirts of a coat of mail, shall have one share. To a cavalry cross-bowman, with both his strings, his belt with a hundred arrows or more, and his quiver, shall be given one share; and for his arms and his horse, what is above stated. To an infantry cross-bowman, with his cross-bow and its entire equipment, as above stated, shall be given one share; to a foot soldier armed with a lance, and a javelin, or a war club, half a share; for a horse or any other animal, or any beast of burden half a share; for an ass of any kind, half a foot-soldier's share.

We decree, moreover, that the commander-in-chief shall have a double share, in addition to whatever else he is entitled to, as stated in other laws. The *adalid* who leads the troops, and the standard-bearer, should each have a double share; where, however, the *adalides* are so numerous that it would be grossly unjust to the army or the foraging parties for them to receive double portions, they should then be given only one apiece; except where an agreement has previously been made with them that they should have two. They also established the regulation that anyone acting contrary to what this law declares, and who takes more than what it prescribes, shall pay double its value and have no part of the booty, and that the same rule will apply if he conceals it, but if he steals it he shall be punished as a thief, as will be explained hereafter.

**LAW XXIX.****What Share of the Booty Obtained at Sea Should Be Given to the King.**

When the king assembles a fleet or a squadron, for the purpose of making war upon the enemy by sea; provides the ships with all their supplies and arms; furnishes the provisions, and pays the men; all the booty obtained shall belong to him, and all those belonging to the fleet should have no part of it, except whatever he may desire to bestow upon them by way of favor. Where the king furnishes the ships and the equipment belonging to them, and the arms and provisions, and others pay the men, the king should have three-fourths, and they one-fourth of the spoil. Where he provides the ships with their equipment and arms, and others organize the squadron, pay the men, and furnish the provisions, the king should then have half of the spoil, and they the other half. Moreover, when the king provides the ships with their equipment only, and others furnish the arms and provisions and pay the men, the king should have one-fourth of the booty, and the others three-fourths. This rule also applies when certain men organize a squadron in any of the above-named ways, with the understanding that they are to have all the booty themselves, or three-fourths, or half, or a quarter of it, as has been stated.

The ancients approved of this in order that the squadron might not be unprovided with four things, to-wit: men, ships, arms, and provisions; and for this reason they established the rule that anyone who provided all the supplies should be entitled to all the booty, and whoever furnished any one thing, or a part of it, should be entitled to a share in proportion to what he furnished. However, exclusive of this, the king should have a fifth on account of his sovereignty, except where he, himself, provides everything for the fleet and the army, as set forth in the laws treating of this subject; and, in addition to this, he should be given those things to which he is entitled as a matter of honor, and on account of his superiority, as is stated in the laws which treat of war carried on by land.

All that we have mentioned should be observed when those who organize a fleet or squadron have no special agreement with the king, or where they enjoy some privilege conferred by him; for, in a case of this kind, everything should be done in compliance with the agreement, or in accordance with the terms of the grant conferring the privilege, except in instances involving fraud or productive of injury to the king, as fraud committed against their lord should not be considered valid under any circumstances; and also because an act of this kind committed against another man is deceit but where it is committed against the lord it resembles treason, and therefore he who is guilty of it should suffer a corresponding penalty. Those who deny the king's rights or hinder him from receiving them, shall also be punished as set forth in the laws treating of booty obtained in war carried on by land.

**LAW XXX.****How Division of the Booty Obtained by a Fleet or a Squadron Should Be Divided.**

Those who are on board a fleet or a squadron, or any vessel at sea engaged in war against the enemy, should divide among themselves whatever booty they obtain; having first given to the king the dues to which he is entitled by reason of his sovereignty and superior rank, as stated in the preceding law. Moreover, after this, they should give to the admiral the seventh part, for the reason that he is their commander next in rank to the king, and each should have his share of the other rewards conferred by the lords, according to the agreement made with them before they went on board the squadron. And although, in former times, it was not customary to give corsairs of this description compensation for injuries received

in war, for the reason that they served for pay; now, considering the hardships and severe labors which they suffer and endure, and the serious dangers to which they are exposed, as we have shown in certain laws of this our book, and desiring that they may exhibit more energy in the service of God and the lords who enlist them, not shrinking from death or any other injury which may come upon them, knowing that they will be compensated and rewarded for it; and, also in order that they may go better provided with arms, which is very essential for the performance of deeds of this kind, we deem it proper that those who are killed, taken prisoners, or receive bodily wounds, not only such as can be cured, but others by which they are crippled as well, shall have compensation out of the booty obtained in the same way as stated in the laws treating of the compensation which those who make war by land are entitled to receive. We also decree that the same rule shall prevail if they lose any of their own arms in the service; where, however, the king organizes the squadron, compensation for the arms lost should be first paid to him; except such as are destroyed in battle, or were thrown into the sea on account of a tempest.

But, where those in the fleet fitted it out themselves, compensation for injuries received and arms lost should not be made except according to the agreement entered into with one another, or with those who employ them. If the spoil which would have belonged to the king, and which they expect to secure, was previously granted them by him, for the reason that actions by sea are more dangerous than those by land, and if they should stop for purpose of plunder they might, on this account, run the risk of all being lost; we deem it proper that whatever booty each one obtains should be collected and divided according to the number of men who were present, or bore arms, as follows, namely: an equal amount should be given to the captains and the pilots as is stated in the laws treating of wars by land the *adalides* are entitled to; and the lookouts and the marines, what the light horsemen should have; and the crossbowmen, what the captains of infantry should have; and the galley-slaves should receive the same share as ordinary infantry soldiers; and, as in the army, the ships, weapons, provisions, and everything else taken from the enemy should be included in the booty which is divided. This, however, is not understood to apply to the booty after it has been transported to the starting point, where it should be sold at auction. But where those in the ships land in order to engage the enemy, and capture any booty from him, or enter a town or castle, all the booty should be divided in the same manner as that secured by making war on land. And, in order for this to be done faithfully, four good men of the fleet should be selected by the advice of the admiral, or by that of the captain, if there is none, and appointed *quadrilleros*, just as is set forth in the previous law which treats of them, and they should distribute the booty in the manner aforesaid.

### LAW XXXI.

#### What an Auction Is, and How the Spoils of War Should Be Sold At It.

Enemies frequently cause great injury on the sea by killing men, taking them prisoners, and robbing them of their property, for which reason ships go in pursuit of them, as in response to a call to arms, and deprive them of the booty which they have carried off. Wherefore, the ancient people of Spain deemed it proper that when persons crossing the sea with property destined for the country of the king, are robbed, or carry the said property away to some place not included in the dominions of the enemy, whatever was recovered from them in this manner should be returned to its original owners, except where the enemy had carried it away safely, and the others afterwards deprived them of it by force; for, in this case, it should belong to the latter—that is, if they were not serving for pay—and should be divided among them in the way we have stated whatever is obtained by those who

respond to an appeal to arms on land should be apportioned; but where they were serving for pay, the entire booty will belong to the lord from whom it was taken. We also decree that the same disposition should be made of whatever was over and above the booty carried off in the first place. But if no one, in response to a call to arms, goes in pursuit of the corsairs who have committed depredations, and the latter fall in with others on the sea who deprive them of what they had taken before they gain any advantage from it and place it in safety, and the former acknowledge the sovereignty of the king whose dominions had been ravaged; they should make the same disposition of what they recovered as we have stated those should do who pursued them in answer to a call to arms. Where, however, they are subjects of another king, and are not willing to surrender the booty to him, he should take reprisals against them as against enemies.

In addition to all this they considered it just that where parties, without the command of the king, carried away any property from the enemy's country, whether they were Christians or Moors, and any person deprived them thereof, it should belong to them and that those who obtained possession of the same had a right to divide it among themselves as lawful spoils of war, and, especially so, if the depredators had acted contrary to the orders of the king, for then they should kill them, and take them prisoners, and do them all the harm they could. Everything else which we have mentioned in this and in preceding laws concerning the booty gained at sea which should be divided, must be put up at auction and sold there, as we have stated concerning booty obtained on land, and whoever sells it in any other way or conceals it, should be punished as prescribed by those laws.

#### LAW XXXII.

##### What an Auction Is, and What Disposition Should Be Made of Spoils Obtained in War.

A public sale of spoils obtained in war where each article is estimated in money according to its value is called an auction. The ancients instituted this for three reasons; first, in order that the property might be appraised there for as much as possible, so that those who secured it would derive the benefit therefrom and desire to obtain more; second, that the lords might not lose their dues; third, that the booty might not be disposed of by fraud, or secretly through clandestine sales.<sup>1</sup> In order that this might be avoided, the ancients decreed that the proceedings should be conducted in the following manner, that is publicly in a place where men can inspect the booty, have access to it, and even take it in their hands if they desire to do so, and set a value upon everything according to what it appears to be worth; and also bid against each other, as far as they may venture to do so, and the security is in the fact that the *quadrilleros* in charge of the matter, are present, and take sureties of those who purchase any of the booty to bind them to pay for what they bought, either in cash or within three days, or inside of nine days, at the latest.

Where, however, there are any members of the expedition who desire a certain part of the booty reserved either beforehand or at the auction, instead of the share to which they were entitled; it should be given them, as stated in the law treating of *quadrilleros*. If the sureties do not pay for the property at the expiration of the times aforesaid, or before, the *quadrilleros* have the right, without liability to punishment and without any judicial decision, to seize the articles pledged. And they should not fail to do this, nor ought the others to question the right to property pledged, no matter how distinguished or honorable they may be, but they

<sup>1</sup> Roman auctions of the *praeda*, or spoils of war, from which the above described disposal of booty at public sale was taken, were conducted under the supervision of the quaestor, and included every variety of portable property; "*aurum, argentum, ex praeda, ex manubiis, ex coronario, ad quoscunque pervenit.*" The Castilian rules by which these transactions were governed were much more elaborate and stringent than those of antiquity, and afforded greater security to both vendor and purchaser.—Ed.

should rather surrender it at once, and without any reluctance. This seizure can be made in their houses, and of any of their property wherever found, and if no other can be found, the officers should take the animals upon which they are riding, and even the clothes they wear; as, for instance, their cloaks, robes, capes, and other garments of this kind, but this should be done in such a way that they may not be entirely stripped if they are men of distinction, but others should be stripped and whatever is found upon them taken. With regard to the principals, if they cannot find anything else, they should seize their bodies and put them in prison, or deliver them to the sureties who trusted them, and the latter should keep them safely in custody until they pay double what they owe them, on account of the intervals of time which passed, and because they thought so much of themselves that they refused to pay their debts. The ancients fixed so short a time for making payment, because they were of the opinion that in time of war there was no need of any delay in men receiving their portion of the booty secured, which might cause them to refuse afterwards to engage in necessary enterprises to which they were averse, although they had the means to prosecute them.

Moreover, men of distinction and power, who, on account of their authority or eminence, are disposed to refuse to make these payments when the said terms have elapsed, shall pay double what they owe; and, in addition to this, should pay the expenses incurred by the officers charged with the collection, as well as those of the parties entitled to the property, according to the number of days which have passed since the expiration of the time. Where anyone displaying scorn considers himself dishonored on account of the seizure made of his property, which, through his own fault, he deserves; the punishment imposed by the ancients upon a person of this kind was that, in addition to the payment which we have stated he must make, he should have no share of the booty obtained. For this reason, emperors and kings, in ancient times, removed property to be sold at auction, absolutely refused to make payment for it within the stated periods of time, and permitted it to be seized, in order that others might not experience any shame or consider themselves dishonored when the same thing happened to them.

### LAW XXXIII.

#### What the Duties of Auctioneers Are in the Sales of Goods at Auction.

Those are called auctioneers who attend auctions and sell property, crying the amount given for it, and for the reason that they run from one side to another, while showing the property that they are selling, they are called *corre-dores*. They should be men who know how to make sales in this way, so that they may dispose of all articles to advantage and increase their value for the benefit of those who secured them. Nor should they deliver them, or promise to do so, or have the sales recorded, until the very highest price which can be obtained for the articles is offered, and whatever is offered for them, they should state many times in a loud voice so that all may hear it. When there is no one present who answers their request for a higher bid, they should cause the sale to be recorded, and not before. Of the price paid for any goods disposed of at auction the auctioneers should have a part, according to the contract they made with those who gave them the property to be sold. Wherefore, if an auctioneer appropriates more than what the owners of the property agreed to give him, he shall pay double the amount and not be permitted to exercise his calling for the space of a year; if he is detected in doing this again, he shall be put to death, for the first time might have been due to necessity or affliction, but the second must be on account of a wicked practice. But where he is intentionally guilty of deceit with respect to any of the property which he was to sell at auction, either by stealing it, or permitting others to have it for

less than it was worth, so that injury results to the foraging party from this cause, he should be put to death.

#### **LAW XXXIV.**

##### **What Kind of Men Clerks of Auctions Should Be, and What Their Duties Are.**

Clerks who record the auction sales of a foraging party should be men of great fidelity, and for this reason they should possess two qualities; first, they should be faithful in order to protect the whole body of the foraging party as well as the purchasers from fraud and loss, by exhibiting neither fear, partiality, nor dislike, and nothing but the truth when making the record; second, they should have learning, in order to be able to record anything which is sold, showing what the articles are, and what they are called, and, in case they are men and women, what they know how to do and where they come from; and also to see that property obtained in peace should not be sold fraudulently for that captured in war. They must also write down the names of the purchasers, what they bought and how much they paid for it, and in what place, and where, the auction was held, as well as the month, the day, and the year of the sale; and they should give a statement of this to each purchaser, sealed with the seal of the king made for this purpose, or with that of whomsoever represents him, in order that the buyer may remove in security whatever he bought, and dispose of it without molestation, as he would of his own property.

These clerks should receive for their services whatever was agreed upon by the foraging party, or is the custom of the country. If they are guilty of fraud or deceit in the matters which we have mentioned as relating to their office, they should be put to death, and for any loss resulting to others on their account they should pay double the amount of the same. When they are appointed clerks, they should be compelled to swear just as auctioneers are required to do, that each one of them will perform his duty well and faithfully, and they should not be accepted for this purpose under any other circumstances.

## **TITLE XXVII.**

### **Concerning Rewards and How They Should Be Given.**

For each to receive good for good, and evil for evil, according to his desert, is perfect justice, which causes affairs to be maintained in good condition; and although this is necessary in everything, it is especially appropriate in matters pertaining to war. Wherefore, since in the preceding Titles we treated of the compensation which should be given to men for injuries received in action and of the share of booty to which they are entitled; we desire to speak here of the rewards which should be conferred upon them on account of the good deeds which they perform in warfare. We shall show what a reward is; who should bestow it; and upon whom this should be done; and at what times, in what way it is of advantage; of how many different kinds it consists; and for what it should be given.

#### **LAW I.**

##### **What a Reward Is, Who Should Bestow It, and to Whom It Should Be Given.**

A reward is a recompense which should be freely bestowed upon those who are efficient in war, on account of some particularly good deed which they have performed. The king, the lord, or the commander of the army, should confer it upon those who are deserving, or upon their children if their parents are not living. A reward should be of such a nature, and be bestowed at such a time, that he to whom it is given may be benefited by it.

#### **LAW II.**

##### **What Advantage Is Derived From a Reward When It Is Bestowed as It Should Be.**

The wise men thought that nature is a virtue which all things possess and which causes each to act as is proper, according to the regulations which God laid down for each. That of man is of two kinds; first, the means by which he sees and perceives what is beyond him, as, for instance, where he is troubled, and has fear of something which he thinks may injure him, and is pleased with what he believes may be to his advantage; but that which is within himself operates by the impulse of his own excellent qualities, and not through the fear or love that he may entertain for anything, but especially for the purpose of doing good.

For this reason, although those whom we have mentioned as being obedient to their superiors in warfare deserve substantial remuneration, as well as those who perform great deeds in war either through their expectation of favors from those they serve, or through fear of punishment if they act improperly; still, the ancients considered that those who are obedient, and perform great deeds for themselves, not through fear of punishment or a desire for any recompense which they expect to receive but in order to do the best they can, being impelled by the natural excellence of their character, were much more deserving of reward. On this account they remunerated men of this kind in a higher degree, because they distinguished themselves by displaying their loyalty, and left a good example to those who came after them; just as they imposed certain penalties upon those who acted in a contrary manner on account of the faults and deceit of which they were guilty, by means of which they, themselves, were not only tarnished in reputation, but their descendants as

well. To recompense those who do their duty is something very becoming to all men who are generous, and especially to great lords who have the power to do so; for, by rewarding good deeds a benefactor shows that he is grateful as well as just, for justice does not only consist in punishing wicked actions but in requiting good ones. Moreover, another advantage arises from this, for it makes good men ambitious always to become better, and wicked men desirous of reform, and when this is not done the reverse of it all takes place. And, although good actions are of many different kinds which entitle those who perform them to reward, especially should they receive it who have achieved great deeds in war. Wherefore, the nobles of Spain, who thoroughly understood warfare, as they constantly lived in it, formerly conferred signal rewards upon those who did their duty, as will be shown hereafter.

### LAW III.

#### How Many Different Kinds of Rewards There Are.

The rewards which those who are obedient, and perform great deeds in war deserve, are of two kinds. First, those bestowed for good actions which men achieve, according to the circumstances in which they are placed; second, where they are done for the sake of those whose duty it is to recompense them. The first, which relates to special rewards, is divided into three classes; first, when a man receives a recompense without having sustained any loss; second, when a reward is conferred upon him on account of some loss which he has suffered; third, when a man, for some particular reason, is compensated for the good he accomplishes. We shall treat in the laws of this Title of each of these, according to its class, and, in the first place, of special rewards, and also of the punishment which those should receive who have the power to act in a way to deserve them, and are unwilling to do so.

### LAW IV.

#### Concerning the Rewards Which Men Should Receive When They Have Not Sustained Any Loss.

The ancients bestowed certain rewards upon those who performed great and distinguished deeds in war, as we mentioned above, and especially upon those who displayed their loyalty. These are of three kinds, as stated in the preceding law. The first of them should be given when those entitled to it do not sustain any loss but are exposed to very serious danger, as, for instance, where anyone is obedient to his lord in war, and serves him faithfully; for a service of this kind his lord should reward him by thanking him and conferring favors upon him, so that he may consider himself assisted and beloved by him; just as when he acts towards his lord in a contrary way he should punish him, if he can do so, and if not, should dismiss him; for, as the ancient sages declared, there is no enemy in the world like a member of one's own family. For this reason he should send the vassal away from himself as far as he can, so that he will have no opportunity to commit other faults or his lord receive any injury at his hands.

But where a service rendered was by some feat of arms in battle with the enemy, in which he assisted his lord with his own hands to conquer and to obtain distinction; as, for instance, by overthrowing the standard of the general of the other army, on account of which those who accompanied him were victorious, the lord should double the benefits which he had previously conferred upon him; and if, when he had the power, he did not do this, his lord should deprive him of everything he had given him, and do so with every circumstance



of disgrace, because he showed that he had no desire to honor him by defeating his enemies. If he kills the horse of the commander aforesaid for the purpose of taking the latter prisoner, and captures him with his own hands, or kills him, his lord should grant lands to such a man, or give him other property, so that he may always live thereafter in an honorable manner. He should also present him with the arms and the horse of him whom he took prisoner or killed; just as it was considered proper that he who did not act in this manner, when he had power to do so, should not only be dismissed, and deprived of whatever offices had been conferred upon him, but also lose his estates, if his lord, or any one of his family had granted him any; for the reason that it was evident that the said vassal did not wish his lord to obtain possession of the lands of the enemy. Where he does not happen to possess any land, he should from that time forward be considered an enemy, being proclaimed publicly an infamous person, and proved to be such.

Where the service consisted in going to the aid of his lord, giving him his horse, if his own had been killed, and rescuing him with his own hands from the enemy; or subsequently releasing him from a prison in which he was confined; a man of this description should receive a signal reward of land or some other property, by means of which he and his descendants may always live in a honorable manner, as we have already stated: just as one who does not act in this way is deemed a traitor, and should be put to death, like one who has the power to protect his lord from death or captivity and is not willing to do so. When the culprit has not the means to satisfy the ends of justice he should lose all his property, and his descendants should never receive any favors from him whom he offended, and whose vassal he was, nor from any of those belonging to his line.

#### LAW V.

##### Concerning the Rewards Bestowed Upon Men on Account of the Losses Sustained by Them in War.

Men suffer losses in war on account of which they deserve to be rewarded, in addition to the booty which they secure. Although this may resemble a recompense for loss sustained, yet it is understood that it should be greater than what was lost because it was sustained in war; for if made in any other way, he would not be entitled to compensation; and this happens when any one's horse or other animal dies while he is engaged in the military service of his lord, where it is not killed in battle, but perishes through sickness, or through some other accident; for, in a case of this kind, according to the ancient fueros of Spain, the owner should be provided with as good a one, or a better. But where the animal is killed in action, while the owner is fighting for the honor of his lord, he should provide his vassal with one which is worth one and a half times as much, or give him the money with which to purchase it. If he loses his horse while defending his lord, the latter should give him another in place of it, which is worth twice as much.

This same rule applies to arms lost under similar circumstances, and where the vassal is taken prisoner, his lord should use all possible means to effect his release, for it would be very reprehensible in him to permit his liegeman, who had rescued him from captivity and had served him loyally against the enemy, striving to honor him and protect him from harm, to remain in prison in the power of the enemy. If, however, God should favor him by enabling him to distinguish himself in protecting his lord in any of the instances which we have mentioned above, even he should be reimbursed for his losses, as already stated, still he should not lose the other rewards to which he was entitled, which we mentioned in the preceding law; just as he would undergo the pun-

ishment set forth there if he did not perform those deeds. Where he happens to lose a limb in any of these encounters, by which he is disfigured or his activity diminished, his lord should bestow sufficient property upon him to enable him to be cured, and never afterwards be subject to poverty. For it is only an act of justice, that he be relieved from destitution in this world, since the deformity which he received could not free him from it. If, however, he should be killed in the performance of any of these deeds, the reward to which he was entitled from his lord should be bestowed upon his children or his wife, and where he has none, upon his next of kin. If he dies possessing the power of speech, and, at that time, makes an agreement with his lord—or did so before he engaged in the action—that for the performance of any of these achievements he would be entitled to a certain recompense, the lord should afterwards comply with the contract, or with the will executed by the deceased, according to the exact terms in which it was made.

Lords who in the matters which we have referred to wrong their vassals, leaving out of consideration the gross impropriety which they commit, which reflects upon them while they are living, and upon their descendants after their death, can be summoned by their vassals before the Court of the King, to answer for services rendered deserving of recompense, which were not rewarded or paid for as they should have been for merit and by reason of justice. And although lords ought to confer rewards of this kind upon their vassals, this is understood, however, only to apply to those who have the property with which to do so; nevertheless, others are not excusable when they do not do everything in their power to reward services as those aforesaid. The claim which vassals can make against their lords, which we previously mentioned, is not understood to apply to such as desire to give a reward and are unable to do so, but to those who have the power and are unwilling.

## LAW VI.

### Concerning Extraordinary Rewards.

There is a noble reason for rewards which are bestowed upon men for signal services rendered to their lords in time of war, as we have already stated. But no one but an emperor, king, or other lord, for whom it is proper, and who has authority over everything in his dominions, has the right to give other rewards, as, for instance, to transfer landed property absolutely, or raise men from one condition to another, as he may think best. For which reason when anyone renders the king services such as we have described above, as being rendered by vassals to other lords, he has power to remunerate him just as the others do; and, in addition to this, he can grant still more valuable and better estates, and make them exempt from tribute, to those who have assisted him to obtain the lands of his enemies, and he has the power to make these exemptions apply to lands belonging to others in his dominions, just as to those belonging to the Crown.

Moreover, he can confer these privileges upon those who honor him by defeating his enemies; as, for instance, where anyone kills the general of the other army, or takes him prisoner, he can confer the right of nobility, where the party has none by descent, and he has also the power to liberate a slave belonging to another. Where a person is subject to the payment of taxes, he can exempt him from the same, not only as regards his own property, but also with respect to that belonging to others, as we stated above. He has also power to raise men from a low condition and place them in a better one, where they have protected his person from injury by his enemies by rescuing him from them, after they had taken him prisoner, or had attempted to do so; or where they warded off a blow, or placed themselves before him when the

enemy desired to kill him; or where they gave him a horse when his own had been killed. He has the power to raise men of this kind to a superior condition, by showing them honor and bestowing upon them the order of knighthood; or by marrying them advantageously; or by conferring upon them some other favor, by which men may understand that they enjoy his love, for the reason that they delivered him from extreme danger.

We decree that this shall also apply to him who raises the royal standard after the enemy has thrown it to the ground, or where he recovers it by force from him who took it from the standard-bearer of his lord the king, for a man of this kind the king can, with justice, exalt in property and in honor among others of his lineage, on account of this great achievement. For the ancient sages, who examined everything with care, considered it proper and right that men who perform deeds of this description should be rewarded, although some of them may not deserve it on account of their descent, or because of any other excellent quality which they possess. They came to this conclusion for three reasons; first, to induce men to acknowledge natural sovereignty to be superior to everything else, and know how to show it respect by exposing themselves to danger in order to honor it at the expense of their enemies, and also to protect it from injury at their hands. The second reason was, that they might exert themselves to the utmost of their ability, by exposing themselves to great perils for the sake of obtaining rank and distinction. Third, that they might be able to control themselves, and avoid committing acts which would discredit them, by enduring fatigue and suffering fear, in order to do the best in their power. But where other men who are noble and of high rank perform any of the above mentioned deeds, the king should reward them in one of three ways. First, by praising them for what they have done; second, by thanking them with his own mouth for the service which he has received from them, for these are things which strengthen and cheer noble hearts inspiring them to do still better; third, by giving them tangible rewards, increasing both their property and their honors.

For this reason it was also considered just, where vassals fail in their duty to their lords, in any of the matters aforesaid, leaving out of consideration the evil which they cause by showing themselves to be wicked and vile in heart, that, solely on account of the treason of which they are guilty in refusing to protect and honor their natural lord or king, they should lose their lives and their property as traitors; and where the king is killed or taken prisoner, their houses should be destroyed and their sites remain forever uninhabited, and their descendants in the direct line be forever banished from the country, first, on account of the shame resulting from the wrong committed by those from whom they traced their lineage; second, for the effect of the warning, so that those who heard of it might avoid acting in a similar manner.

This, however, should not be understood to refer to children born to them before the offence, but to those born afterwards where they are so unfortunate as to survive; for, in ascertaining the law relating to all cases, the ancients, where they imposed the penalty upon the children on account of the guilt of their parents, always took care that those should not be subject to it who were born before the wicked act was committed, except where they participated in the offence. They subjected the others to punishment, because since their fathers were subsequently implicated in crime, they feared that in some way they might follow in their footsteps. Hence they directed that they should be put to death, so that they might never become criminals, or the country, for that reason, be rendered contemptible, and that others who heard of it, might take warning; notwithstanding that, according to the laws of the emperors, the children of such persons should not be punished in this manner, as is shown hereafter in the Seventh Partida, in the laws treating of this subject.

**LAW VII.****What Reward Those Should Have Who Enter a Castle, a Town,  
or Other Fortress by Storm.**

Where men attack a town, castle, or other fortress, those who first enter it display two qualities; first, great valor, when they are few in number, and capture from many the stronghold which they obtain possession of, taking its defenders prisoners, or killing them within its walls; second, manifest loyalty, by assisting their lord so that he may be honored above his enemies, and increasing his greatness by the conquest of their country, which is something from which advantage and distinction result. For which reason they decreed in former times that he who first entered one of these fortified places should receive one thousand maravedis from the king, and one of the best houses to be found there—provided it was not a palace, or the dwelling of the lord of the place—and this included all the real estate belonging to the owner, and where there was none the house should be given to him along with a tract of land on which he could live in comfort. They also deemed it proper that the second who entered should receive five hundred maravedis, and another of the best of the houses, less in value than the one above mentioned, and a tract of land in proportion. They granted the third who entered half as much property as the second, and a house with a corresponding quantity of land. In addition to this, they allotted each of the three, two of the most valuable prisoners that could be found, exclusive of the lord of the place and his wife and children, if he had any. Moreover, they permitted them to have all the plunder which they could secure by their own efforts, provided that it did not include articles which especially belong to the king; but when they obtained anything of this kind, they decided that the king should give them something for it, not by way of purchase, but as a reward for the service which he received from them. But where some of the parties whom we have mentioned, after they begin an action of this kind are unable to accomplish it, or where all, or some of them, are taken prisoners, the king should endeavor, by every means in his power, to deliver them from captivity.

Where any of them lost his life in entering the fortified place, they deemed it just that his wife or children should have the reward to which he was entitled, and where he did not have any, that his next of kin, who were living, should receive it. If, however, he died with the power of speech, it should be given to those whom he directed should receive it, and if he did not die, but lost a limb, they ordained that property in addition to that above mentioned, should be granted him, so that he could live in an honorable manner. In case those who performed such a deed were men of noble birth, the king should bestow upon them large and valuable estates, as well as other property, according as he thinks proper and has the power.

**LAW VIII.****What Reward Those Should Have Who Obtain Possession by Stealth of  
a Town or Castle Belonging to the Enemy.**

Where men obtain possession of a town, castle, or other fortress by stealth, they display great bravery, for the reason that this cannot be done except at night, and with great secrecy, and, for the most part, in time of great storms, and in dangerous places. Wherefore a deed of this kind is attended with great peril because those who perform it cannot perceive, with any certainty, the obstacles which may be interposed by those within, nor the assistance which the latter may receive from parties outside; and, also, since those who make

the attack cannot be numerous, or as well-armed as the others for either battle or defence. This is so because an enterprise of this description should be carried out with great secrecy and without any noise, those engaged in it moving very softly that they may not be heard, and having agreed upon certain signals among themselves by which they may understand one another without speaking. And, although those who performed an act of this kind, exposed themselves to the dangers which we have mentioned, still, for the reason that it was done in secrecy, the ancients did not consider it proper that they should be rewarded for it by a cash payment, as the others are whom we mentioned in the preceding law. Yet, on account of the great peril to which they expose themselves by taking all the risks which we have enumerated, they decreed that they should be rewarded in every other respect just as those are who capture fortresses by storm, as set forth in the preceding law.

#### LAW IX.

##### **What Reward Those Should Receive Who Enter the Ships of the Enemy by Force.**

Fortune means the same as events which are to come, and, for the reason that this is not certain in regard to any actions, especially those performed at sea, because those who make war in that way are exposed to great dangers, and frequently desire to go to one place but are compelled to go to another, and when they consider their deeds accomplished, it sometimes turns out that they fail of success, and this happens because the contingencies of fortune are more sure to result in their injury than in their benefit. Wherefore, men of this description who encounter the dangers we mentioned in the laws treating of marine warfare, were not allotted any certain reward by the ancients when they entered a ship by force, except where an agreement had been made with them by him who organized the fleet or squadron. If, however, no such agreement existed, it was decided that they should receive a reward from their commander according to what he thought they deserved, on account of the hardships which they endured, the valor which they exhibited in making an attack of this kind, and the excellent qualities which they displayed in being able successfully to accomplish it. In this case they held that they were entitled to a greater reward for these three things than if one was given them especially on account of anything else. Where it happened that they were unable to finish what they had begun, and were killed, they considered it proper that the reward to which they were entitled should be bestowed as stated in the preceding laws relating to those who entered a town or castle of the enemy by force, or by stealth; and if any of them lost their limbs in action, that they should be granted lands and given other property, as set forth in the laws aforesaid, and that they should receive the same recompense when taken captive. Where they were compelled to disembark; or took a town, castle, or other fortress by storm; or were victorious by any contest on land; they decreed that each of them should receive the same reward specified in the other laws which we have mentioned, that treat of these matters.

#### LAW X.

##### **In What Way the Good Deeds Which Men Perform Should Be Rewarded, According to the Judgment of Others.**

Judgment means the conclusion which men should arrive at in matters that are doubtful, in order that each one may obtain his rights, as is proper. For this reason, when men do any deeds in warfare on account of which they deserve to be rewarded, which means, in proportion to their deserts, and the

deed itself is in doubt, whether it is, or is not as he who makes the claim declares; then the commander should take counsel and decide the question, considering the standing of the man who claims remuneration, as well as the nature of the act which he performed, and the place and time in which it was done, and in accordance with all these things he should bestow the reward. We decree that other lords who have vassals should act in the same way, each to the best of his ability, and councils, as well, for it is the duty of all to reward the achievements of men, and especially such as are accomplished in war, each one acting according to his authority.

## **TITLE XXVIII.**

### **How Men Who Engage in Warfare Should Be Warned and Punished on Account of the Offenses Which They Commit.**

Men err in many ways when they go to war, and for the reason that the mistakes which they commit there are more dangerous than those made elsewhere, since they cannot readily be corrected, the ancients decreed that they should be punished for them. For, as stated above, strict justice would not be done if the wicked were not chastised for the evil which they do, just as the good are rewarded for the good which they accomplish. And, leaving this out of consideration, offenses committed by men in war are more injurious, for those who engage in it have enough to do to protect themselves from damage inflicted by the enemy, without taking into account what they may suffer through their own fault.

Wherefore, since in the laws of the preceding Title, it is explained what rewards men should receive for good deeds performed in war; we desire to state in this one how those who commit faults should be punished. First we shall describe what a warning is, and what a punishment is; what advantages are derived from them; for what reason they should be inflicted; whose duty it is to do this, and upon what persons, and at what times; and what penalty those deserve who place impediments in the way of justice, so that it may not be done, or who prevent agreements which have been entered into from being observed.

#### **LAW I.**

##### **What a Warning Is, and What Punishment Is, in What They Are Advantageous; for What Reasons They Should Be Inflicted in Time of War; and Whose Duty It Is to Give Them.**

A warning is a gentle admonition by speech, or by a wound, or by a blow with a stick, which a commander gives those who are disobedient to call their attention to what they should avoid doing in time of war. Punishment is a penalty ordered by a commander to be inflicted upon those who are guilty of offences, and resembles a judicial sentence. The reasons for which this should be done are twelve in number; first, where one gives information to the enemy concerning his companions; second, where he deserts to him; third, where he comes in his company to inflict damage upon his people; fourth, where he refuses to obey; fifth, where he stirs up discord in the army; sixth, where he runs away in battle; seventh, where troops wound, kill, or dishonor one another, in word or in deed; eighth, where they steal, or take by violence or fraud one another's property; ninth, where they do not guard the provisions, or waste them; tenth, where they do not give their assistance when justice is to be rendered; eleventh, where they prevent it from being done; twelfth, where they violate contracts made between themselves or with others. With regard to each of these offences, we shall show in the laws of this Title what punishment those who commit them deserve, as laid down by the ancients.

#### **LAW II.**

##### **What Penalty Should Be Inflicted Upon Those Who Give Information to Their Enemies, or Desert to Them and Assist Them to Injure Their Own People.**

The ancient sages imposed a serious penalty upon such as revealed to the enemy the condition of those on their own side; and in so doing they acted

most justly, because this crime springs from great disloyalty, and is manifest treason. And as this would certainly be the case where it is committed against one person alone, it is much worse where it was committed against many, for it sometimes happens that, through actions of this kind, armies or foraging parties are killed, taken prisoners, or put to flight, and it would be still more serious if the king, or his son and heir, or any lord, should be among those against whom the treason should prevail. Wherefore, in order to avoid this wrong, and to find out who they were who were guilty of such an offence, the ancients established the rule that, in the army, whether the king was present or not, or in a foraging party, or in every other kind of warfare, the commanders or *adalides* should ascertain certainly, either from records or in some other way, how many companies there were, as well as the number of men in each company, by causing them all to pass under a lance, as mentioned in the other law which treats of division. They did this in order that it might become known if any member of a company had gone over to the enemy, or had conveyed information to him, and if so, they ordered that as soon as he should be taken he should be put to death for his offence in a cruel manner, either by being dragged upon the ground, or dismembered, so that all might take warning not to act in a similar manner.

They also considered it just, that those who were cognizant of the crime should suffer this same penalty, if, as soon as they heard of it, they did not inform the king or the commander who represented him. Moreover, they decreed that if they found any persons belonging to their side or to the other going to join the enemy, and whom they learned were about to inflict injury upon them, and while on their way took them prisoners; they should keep them in custody until the action was terminated, and afterwards they should be punished according to the judgment of the king or the commander-in-chief, with the advice of good men of the army or foraging party, in proportion to the injury which they thought would have resulted to them from what those persons intended to do. If, however, while attempting to seize them they defended themselves, and were killed or wounded, it was not considered just that this should constitute homicide, or that those who committed the act should be liable to punishment; but, where they were unable to take them, it was decreed that they should lose half the property they possessed in the kingdom, and no longer have any rights there, as being men who were guilty of treason by deserting their companions in arms, whom they were in duty bound to assist, and going over to the enemy in order to oppose them. And as for those who deserted and returned with the enemy to injure their comrades with whom they were formerly associated, this was considered to be such an extraordinary matter that it was decreed that, as soon as they were caught they should be decapitated if they were of noble birth, and if they were of inferior rank they should be put to death in the most unusual manner that could be devised; and, where they could not be found, they should lose all their possessions, and never be allowed again to enter the kingdom. For, even though they might have been subjected to wrong or violence, by those on their side, so long as they were in the enemy's country they should not leave the army or the foraging party which they had joined, if the war was not made by the same persons who did them wrong, nor should they even leave them if they promised that they would do them justice as soon as they returned to the point from which they started, or to some other place which was secure, and not in the enemy's country.

If the king wrongs them while they are at war, they should not abandon him if they are his vassals, or receive his pay, so as not to render him service in return for it; but they should previously demand of him three times, in the presence of his court, whether he is willing to make reparation for what he



had done, and if he refuses to do so, they can leave him, first renouncing their allegiance to him, as we have stated elsewhere. Nevertheless, they should not go to any place where they may be implicated in his death or his dishonor, or in the loss of his property, nor should they join men of another religion in order to afford them assistance against those professing their own; for this in ancient times was considered such a serious offence that the parties who committed it were considered apostates, excommunicated persons, and traitors to their lord whom they opposed, and to their country where they were born, and were condemned to cruel deaths, as the vilest of men; being thrown to beasts, to be torn limb from limb, or starved to death, or cast into the water for fish to eat, that no trace of them thereafter might ever remain.

Where those guilty of such offences cannot be found in order to execute upon them the sentence aforesaid, and they die in some other land, even though they may be nobles or persons of distinction, they should not be brought for burial into the country against which they arrayed themselves; for the Holy Church did not approve that they be interred in ground that is sacred, but, on the other hand, it was ordered that if they should be found and buried there, their bones should be removed and scattered over the fields, or burned, and their possessions be forfeited to the Crown forever; for, as they wished to ruin the kingdom, so they themselves should be destroyed, and the kingdom be aggrandized by the confiscation of their property.

### LAW III.

#### **Of the Benefits Resulting from Obedience to Orders; What Evils Arise When This Is Not Done as It Should Be; and How Commanders Should Act Towards Those Who Disobey Orders.**

The command of troops is something to which great attention should be paid in all matters relating to war, as we have previously stated in certain laws. And although from this proceed all the advantages set forth in those laws, there are three more which we desire to mention; first, to enable military movements to be made more readily; second, that this may be done with more prudence; and third, with more humanity; and those who do not know how to act in this manner shall experience the opposite of all these things. For this reason the ancients considered it proper that those who went to war should be perfectly obedient, and subject to the commands of their superiors. And, although the obedience mentioned above is manifested in many ways, it is all included in three which we desire to enumerate here, so that commanders may understand them, and be able to explain them to their troops. The first is that they should not hesitate to obey promptly, when orders are given them; second, that they should not venture to act without orders; third, that they should not be slow in marching wherever their commanders think best, for where each one of these three duties is not performed as it should be, everything may be lost.

It was therefore established in ancient times, that, where anyone acted in a disorderly manner, a commander could threaten him, or sternly reprove him, not intentionally saying anything by which he might think he would be rendered infamous. Moreover, he has authority to strike him or his horse with a stick, or with the shaft of a lance, in such a way that it may be evident that this is done rather by way of punishment than through anger, or for any grudge which he bears him by reason of which he might wish to revenge himself; and where he proves to be obstinate and unwilling to desist, the commander can kill his horse and wound him, and if death results from this no blame or dishonor shall attach to the commander, nor can he be considered an enemy by the relatives of the deceased. Where, however, it happens that

anyone, no matter what is done to him, cannot be prevented from acting in a disorderly manner, even though no other damage may result to his companions, for the sole reason that he disobeyed orders, he should be kept in custody by the king or the commander, until the enterprise is concluded, and restrained of his liberty in any way they designate, and in as dishonorable manner as they desire; as, for instance, put in heavy irons, or fetters, and be compelled to either ride on an ass, or walk carrying a chain fastened to his neck; or be attached with a rope to the tail or crupper of an animal. All these degrading punishments were imposed upon men of rank on account of the great baseness that they displayed, which caused them through cowardice to leave the ranks without the order of their superiors, for it was considered that the shame which they endured would be worse to them than death.

They also determined in relation to this matter, that if the king was desirous of showing them mercy by ordering them to be liberated from the restraint aforesaid, they might be banished from the kingdom for as long a time as should be considered proper. Where men of lower condition were guilty of leaving the ranks they should be put to death; and it was further decreed that if the king desired to pardon them, he could not do so unless he took them for his slaves. Where, however, such dispersions of troops caused any injury to the king, the army, the foraging party, or anyone belonging to them, a penalty could be inflicted upon offenders in addition to the one we have mentioned, as is set forth in the laws which treat of command.

#### LAW IV.

##### **What Penalty Those Should Receive Who While Engaged in Warfare Stir Up Discord in the Company to Which They Belong.**

Discord is something from which great injury results; for, as harmony is of assistance in all affairs and maintains them, so, on the other hand, discord divides and destroys them, and especially when this is promoted with evil intent, as, for instance, by thwarting what is good and favoring what is evil. And, although this is productive of great injury to acts of every kind it is especially so to those of warfare, for the reason that in them men should be of one accord to protect themselves from harm and inflict it upon their enemies. Wherefore, in ancient times, it was established that if anyone fomented discord in an army or foraging party, or in an expedition in which men were engaged, which is a part of war, as soon as the party was convicted, he should be punished in proportion to the injury which he desired to cause; and if he committed the act with the intention that the enterprise should fail, he must be placed in custody, and his eyes put out on account of the treason which he committed, so that he might never be able to see by their means what he desired to witness; and that, although they treated him in this manner, they must not release him, but must keep him in confinement until the enterprise was concluded.

This is understood to refer to persons of middle or inferior rank, but those who are of noble descent should be kept in very strong prisons, as long as the war lasts; and even if the king is desirous of showing them mercy, they should be banished from the kingdom for as long a time as he deems proper. And this was approved of because it was just, since discord caused by persons of this kind not only affects the supreme authority but all those engaged in the enterprise; and all dissension fomented by anyone in the company to which he belongs should be punished in this way, in proportion to the injury which it is ascertained that he wished to inflict.

**LAW V.****How Those Should Be Punished Who Fight With Their Comrades in Time of War, from Which Arise Death, Wounds, and Dishonor.**

Brawls and sedition were matters to which the ancients attached great importance at all times, and especially in time of war. They did so on account of two evils which they knew arose from them; first, degradation by failing to complete the good work which they had begun so as to obtain the advantage, and turning to do evil in order to fare worse; and second, lack of good faith, in not being willing to finish what they had commenced, by which they conferred distinction upon their enemies, and disgraced themselves. For this reason they established the rule that anyone who drew a weapon for such a purpose while in the army, or while a member of the foraging party, should be deprived of his arms, and placed in confinement until the enterprise was terminated, and, from that time forward, should have no share of the spoil which the others secured; but if he insulted anyone by deed or word, he should suffer punishment double that which would be inflicted upon him in any other place, except in the Court of the King. Where he wounded a person so as to cripple him, they decreed that the limb with which he gave the blow, whether his foot or his hand, should be cut off; and that where the party attacked died in consequence, the survivor should be buried under his corpse, except where the deed was done in self defence, or while in command, or when disciplining his soldiers. This is not understood to apply to persons of high rank, for when they act in this manner they should be imprisoned for life, yet where it is desired to show them respect, they may be banished forever from the kingdom.

When the king is present where this takes place, the party shall be reproved and punished as harshly as the king desires and commands, and can be done with justice; and where he does not happen to be present, it was deemed proper that the guilty party be arrested, and that the king should punish him according to his judgment, dependent upon the rank of him who committed the injury, and that of him upon whom it was inflicted, as well as the place and time when this was done, and with due regard to all the harm which either might, or could result from it.

**LAW VI.****How Those Should Be Punished Who, in Time of War, Steal the Property of Their Comrades.**

Persons guilty of theft should be mercilessly punished, and especially those who steal in time of war, when all should be united in order to inflict injury upon their enemies and avoid receiving it themselves. For this reason those who steal at such a time, are guilty of great baseness, because men go then in security, having no houses or chests in which to keep their property, and being dependent upon the loyalty which they should observe toward one another. Therefore the ancients established the rule that those who stole from one another in time of war, and especially while in the enemy's country; where they could be convicted by the testimony of two men who were members of the expedition and credible witnesses, and the party who committed the act was of inferior rank, the latter should pay double the value of the article, and be marked by cutting off his ears and the hand with which he committed the crime, and they did this to give warning to others to avoid acting in a similar manner, and for the reason that, if the same party should be guilty of dishonesty a second time, the original theft and its sign would serve as evidence to condemn him to death.

Where, however, a person of superior rank committed an offence of this kind, he was required to pay four times the value of the article, and have no share in the booty obtained by the army. If he committed a theft for the second time, because he made a practice of it, it was deemed proper that he should pay for it, as above stated, and that, moreover, he should be banished from the country where he lived for as long a time as the king considered just. Where the theft consisted of provisions carried by the troops for the sustenance of themselves and their animals, and which are called *talegas*, they commanded that he who was guilty, if he belonged to the lower orders, should pay four times the value of the article, and in addition to this should have his ears cut off, except where he acted under great pressure of hunger, and what he took was so little that he ate it without delay; this, however, refers to the first offence, but where he repeated it, it was decreed that he should be starved to death. If he were a person of superior rank, they directed that he should pay for the first theft he committed twice as much as for any other committed in a place of this kind, but where he stole for the second time, that he should pay for what was taken, as already stated, and in addition be banished from the country.

Although the ancients deemed it proper that all those who committed thefts of this description should be punished by cutting off their ears and their hands, now we, holding that to maim a man is a serious matter, except for an act that cannot be excused, it seems to us more just to order such persons to be branded on the face with a hot iron, as stated in the Title treating of thefts; in order that when they commit an act of this kind a second time they may be recognized by this token, and the second theft and the brand will provide the evidence to punish them with death. Moreover, the ancients were accustomed to bury to the waist anyone who had stolen from others the provisions called *talegas*, and permit the party robbed to throw a lance at him at a distance of nine paces, and if he struck and killed him it was not considered homicide, or an act which could be punished, and, if he did not hit him, the other became free from all liability for the theft. We, however, being aware that a proceeding of this kind does not comply with the rules of justice, as it was the first offence and the person who lost the provisions did not recover them, and also, because a man can be put to death who subjects an army, or a foraging party to want; for these reasons it appears to us that what is stated above is more equitable than what was practised by the ancients.

## LAW VII.

### How Those Should Be Punished Who Steal from, or Rob Their Comrades in Time of War.

To seize by violence, and steal the property of another, is something which results in the injury of those who are the objects of it, and to the detriment of all who engage in it; and therefore the ancients deemed it proper that those who act thus should be severely punished, and especially such as ventured to do it in time of war. There are two reasons for this; first, because it is committed more openly than theft; second, because one ought to exert all his energy in attacking and plundering his enemies, all acting together in opposing them. Hence it was established that he who robbed anyone, or took anything from him by force, should return what he had stolen to its owner, and also pay twice the value of what he had taken; and where he was of inferior rank, and did not have the means with which to make reparation, he should have the hand with which he committed the violence or the robbery cut off, and this was where it was a first offence, but if it was repeated, he should be put to death. Where, however, he was of superior rank, it was ordered that

he should pay twice as much as the others, and be banished from the kingdom for the first offence, and where the first was pardoned, and he committed a second, that he should be put to death.

Where a commander, or an *adalid* who represented him, committed an act of this kind, it was established that he should pay twice as much as we have stated other persons of exalted position are required to pay, and that he should, in addition to this, be banished from the country, and if an *adalid*, imprisoned. This was for the first offence, but if he were pardoned, and repeated it, a commander should be imprisoned, and an *adalid* executed, and those who shared in the stolen property, or concealed it, should suffer the same punishment.

### LAW VIII.

#### How Those Guilty of Fraud in Time of War Should Be Punished.

Persons deceive one another very frequently thinking to profit by it, and this covetousness blinds them in such a way that it does not permit them to perceive the truth, and that what they think will be to their benefit, will result in their injury. For this reason the ancients held that any act of this kind should be severely punished, and especially in the case of those who are guilty of it in time of war; first, because it is deceit; second, because the deception which they endeavor to practice on their enemies in reality affects themselves. This cheating is either done before the booty obtained is divided, or afterwards during the process of division. Where it is done before division, is when spoil which should belong to the king is claimed prior to its being put up at auction, or where one captive is exchanged for another, that the party may gain more through having him than what he is entitled to, by means of which the king loses what is due him, or sustains loss. This is also the case where some booty is exchanged for other and more valuable spoil belonging to the foraging party, to the common injury of all.

Wherefore, since frauds of this kind, committed against the lord, are in the nature of treason, it was considered just that he who was so daring as to do this should undergo a similar penalty by being compelled to bring to the auction the article to which he had fraudulently laid claim, or changed for another, as above stated; and, in addition to this, on account of his boldness, that he should pay the king its full value, and lose his share of the booty. Where he was unable to produce it, he should be compelled to pay double its value, and if he did not have the means to do so, be placed in the power of the king to be punished according as he thought to be right, everything mentioned in other laws of this book being taken into consideration, in forming his opinion. Where, however, a commander, or an *adalid* is guilty of this, for the reason that they are of superior rank and are able, as well as more bound than others, to protect the rights of the king, it was ordained that, whether both or only one was guilty, he should lose his share of the booty, and pay four times the value of the property in question; and if he did not have the means to do so, and the commander had committed this fraud, he should lose his lands, or the fief which he held of the king, and where an *adalid* was the culprit, he should be imprisoned for as long a time as the king deemed proper, and that any other person guilty of this offence should be punished in proportion to the injury and the loss suffered by the king on account of his conduct.

Whoever commits fraud with regard to any of those things which are peculiarly the property of the king by reason of his dignity and superiority—as we have stated in the law treating of this method of giving the king his dues out of the spoil obtained in war—he should be punished as therein set forth. But where this fraud is committed with regard to property belonging

to members of the foraging party, it was considered just that the offenders should pay double its value, as appraised by the *quadrilleros*; and where any suspicion arises concerning the latter, two good men belonging to the expedition to whom no suspicion attached should appraise it. Where in the division anyone has been found guilty of fraud, as, for instance, when he causes his name to be recorded twice, or changes it; or has more men or arms registered than he brought with him, in order to obtain a larger sum of money than he is entitled to; or where he accounts for more infantry or cavalry than were actually present; or removes a part of the booty, and does not produce it on the day of the division; he should be required to return what was fraudulently obtained, along with its value out of his own property; lose his share of the booty; and be expelled as a bad man from the company to which he belonged. Where a commander, an *adalid*, or a *quadrillero*, is guilty of any of these offences, he shall suffer the above-mentioned penalty, and, in addition, be excluded from the office of commander, *adalid*, or *quadrillero* everywhere.

### LAW IX.

#### How Those Should Be Punished Who Do Not Take Proper Care of Their Provisions.

Where anyone recklessly consumes his rations, or wastes them by reason of not knowing how to take care of them, great injury results not only to such as do so, but to those who are associated with them. For it happens very frequently that men turn back on this account, abandon the enterprise in which they are engaged, and are killed or taken prisoners by the enemy, who obtain through them information concerning the body of troops to which they belong. Wherefore, in order to avoid these mishaps, it was established in ancient times that the entire store of provisions should be taken to one place, and be divided with those who had eaten or lost their own. This was done twice, for it might happen that the parties wasted their provisions the first time, not being aware of the customs of foraging parties, and also to bring together certain companies who had consumed their rations sooner than they needed to have done, and who did not take the care of them which they ought; and it was ordered that those who did this the third time should be arrested, and kept under guard until the enterprise was concluded, and that they should not be provided with any food but bread and water, and only enough of these to enable them to sustain life and not perish of hunger or thirst, and that no one could be compelled to give them even this, but it must be done voluntarily, and because he had pity on them. It was considered proper that this punishment should be protracted for a sufficient length of time; first, because by means of it they underwent corporal punishment by lying in prison and enduring hunger and thirst; and second, on account of the disgrace incurred, and that men might know it was imposed on account of their great imprudence or gluttony.

### LAW X.

#### What Punishment Those Should Suffer Who Do Not Lend Their Aid to the Execution of Justice, or Place Obstacles in Its Way, in Time of War, Interfering with Those Whose Duty It Is to See That It Is Done.

All those belonging to an army or a foraging expedition should render assistance to those appointed to see that justice is done in the king's name, or in that of the commander, or by those whom they have agreed upon among themselves. For all, in common, should assist the king, he being their lord,

for the reasons which we have stated in certain laws of this book, or the commander who is there in his stead because he occupies his place and must execute his commands, and also because it is the duty of the troops to obey him, and the *adalid* as well, in everything appertaining to his office, since in doing so they protect the king in his sovereignty and his rights, benefit themselves, and aid those whose duty it is to punish the wicked who may be among them. Wherefore those who are unwilling to do this, in accordance with the ancient laws, shall be dismissed from the army or the foraging party, if they are men of inferior rank, and if they are nobles, they shall lose the fiefs which they hold of the king. But if some of them should happen to be so mad or so bold as to desire to place impediments in the way of the execution of a sentence of this kind, they shall suffer the same penalty which we have prescribed for the others, and, in addition, lose everything which they brought with them.

#### LAW XI.

##### **How Those Should Be Punished Who Do Not Keep Contracts Made Between Themselves, and with Others Who Engage in War.**

Those who go to war make contracts with one another. This may be done in two ways; first, with regard to matters transpiring among themselves; second, with reference to agreements made with the enemy, and each of these should be carefully observed. An agreement which they voluntarily make with one another, without any compulsion, it is well understood should not be entered into, except for their own advantage, in order that they may the better accomplish their designs. For this reason they should be very cautious in seeing that the rights of the king and other lords are always secure and protected. For no one can make a contract in opposition to this, unless it be done by the king's command, and anyone who violates it, should be punished according to the terms of the agreement, and where there are none given should be punished according to the pleasure of the king. Agreements entered into with the enemy, whether they relate to peace or war, should also be strictly observed, except where they are made contrary to the Faith, or to the injury of the king or of the kingdom. There are two reasons for this; first, to insure preservation of their loyalty; second, in order that those who hear of it may be more inclined to come to terms with them, and do what they wish, believing that they will carry out what they agree to do. Moreover, he should be liable to severe punishment who violates a contract of this kind, and the penalty stated in it should not be, in the least respect, mitigated; and where no penalty is mentioned, one should be imposed according to the judgment of the king, all the matters mentioned being taken into consideration.

## **TITLE XXIX.**

### **Concerning Captives and Their Property, and Fortified Places Which Fall Into the Hands of the Enemy.**

Men ought naturally to feel sorrow for members of their own religion when, as captives, they fall into the power of the enemy, for the reason that they are deprived of liberty, which is the most precious thing which men can enjoy in this world. Wherefore, since in the preceding Titles we treated of war and of all the matters pertaining to it which should be observed; we desire now, in accordance with the regulations of the ancient sages to speak of men who are taken captive in warfare. First, we shall describe what a captive is, and how captives should be liberated; and afterwards who those are who are bound to set them free, and moreover, how their property should be taken care of while they lie in captivity. Also for what reason the property of captives should not be lost through limitation of time; what acts are not valid although men perform them while in the power of their enemies; and what rights children, born while men are in captivity, have in the property of their parents. Moreover, we shall state how, and within what time, the heirs of those who are in captivity can make use of their property; explain why those who are captured through their own fault, or through some mistake which they have committed, ought not to enjoy the exemptions which other captives have; and show that the fortified places which Christians lose, and afterwards recover, should have the same rights which they possessed in the first place. We shall also state what rights parties have in the captives they rescue or ransom; and for what reason those who rescue others from captivity should not demand of them the amount paid for their ransom.

## **LAW I.**

### **What the Word Captive Means, and What Distinction Exists Between a Prisoner and a Captive.**

There is a great difference between captives and prisoners, with regard to the treatment which they may subsequently experience, although the manner of their seizure may be the same. For those are called prisoners who suffer no other bodily harm, except such as they may experience from confinement in jail, or where something is collected from them on account of the expense incurred while they were kept in custody, or where reparation is demanded for some injury caused by them. Nevertheless, they should not be put to death as soon as they have fallen into the hands of their captors, nor should any punishment be inflicted upon them, or anything else be done to them to cause their death, except where they have been arrested for some violation of law. For, under any other circumstances, the ancients did not consider it just that, after a man had been taken prisoner, he should be killed, or subjected to such severe torture that he might die in consequence of it, or be sold, or compelled to serve as a slave, or that his wife might be outraged in his presence, or he be separated from her or his children, in order to sell them apart from one another. This, however, is understood to refer to prisoners who confess the same religion, as, for instance, when a war exists between Christians.

Those are properly called captives who come under the control of men embracing another belief, for these have the power to put them to death after they have taken them prisoners, on account of the contempt which they have



for their religion, or they can subject them to cruel punishments, or make use of them as slaves, compelling them to perform such arduous tasks that they will prefer death to life. And, in addition to this, they are not allowed to possess their own property, but must surrender it to those who inflict all these evils upon them, or have a right to sell them whenever they desire to do so. They have also the power to commit a still greater act of cruelty, for they can separate what God united, as, for instance, a husband from his wife, who became so according to law and by marriage. They have, moreover, a right to violate the ties of nature, as for instance to separate children from fathers and mothers, or brothers from one another, or persons from other relatives of the same blood. They can also separate friends, which is a very serious matter, for as the union of love surpasses and is superior to that of descent and everything else, so is the affliction and sorrow greater when they are torn asunder; hence for all these reasons and on account of the many hardships which they endure, they are very properly called captives, because this is the worst misfortune that men can endure in this world.

## **LAW II.**

### **How Those Held in Captivity Should Be Liberated.**

Men should liberate those who are held in captivity for four reasons; first, because it is pleasing to God for a man to grieve for his neighbor, since He said he should love him as himself while he remained in the Faith; second, to show the pity which men should feel for those who are badly treated, because they are all of one nature and of one form; third, in order to be rewarded by God and man, whenever this becomes necessary; for, just as he who is held in captivity desires to be set free, so, also, should his neighbor go to his assistance when he is a captive; fourth, so as to inflict injury on their enemies by rescuing those whom they hold as prisoners and removing them from their power, for this is something which is productive of advantage and honor to those who accomplish it, while their adversaries suffer damage and loss thereby. Wherefore all should contribute their aid in a misfortune of this kind, and willingly contribute of their own property, giving careful consideration to all the reasons above stated, nor should they feel regret on account of what they give, for property passes away with the world and is lost, or no other remembrance remains of it, excepting where it is put to some good purpose. Moreover, men should reflect seriously and with reverence upon the speech of Our Lord, namely, that, on the Day of Judgment, he will reward those who saw him in prison and went to his assistance, and punish those who refused to do so.

## **LAW III.**

### **What Men Are Bound to Rescue Those Held in Captivity.**

Liberation of persons from captivity is something very pleasing to God, for the reason that it is a work of piety and mercy, and in this world is very becoming to those who accomplish it, as we explained in another law. The obligations which the ancients decided bind men to do this, are of five kinds, namely; first, on account of the union of the Faith, as set forth in the aforesaid law; second, on account of the tie of lineage; third, on account of an agreement; fourth, on account of sovereignty, or vassalage; fifth, on account of the love of benevolence. In these five are included all the obligations which men are under to assist one another when in trouble. For this reason we declare that whenever a son maliciously delays to rescue from captivity his father, or any near relative, or any other kinsman, the said captive, when

he is liberated, has the power to disinherit any of those who hesitated to set him free. There are two reasons for this: first, because such persons show themselves to be covetous, and let it be understood that, by any means in their power, they wish to obtain the inheritance of the property of those held in captivity; second, because they are guilty of great cruelty when they feel no sorrow for a man of their family who is in slavery and in danger of death.

We decree that this also shall apply to such as are under obligations on account of an agreement, as for instance, husband and wife; for, although they are in reality two persons, they become one, just as is the case in a union by nature. Wherefore, where anyone sees another suffering under a great affliction, like that of captivity, and is unwilling to come to his or her rescue; when the latter is liberated he can deprive the other party of the rights that can be claimed by reason of marriage. The same rule applies to him who is under obligations to another arising from a contract of adoption in order that he may inherit his property, as is set forth in the Title treating of Adoptions; for, although he is not his own son, the adoption makes him such by law so far as rescuing him from captivity is concerned, since he has the intention of leaving him his property, and, if he does not liberate him he can disinherit him on that account. We decree that both the lord and the vassal is not only bound to free his lord by means of his property, but even to expose himself to the risk of death or imprisonment in order to do so. Where he has the power to accomplish this, and is not willing, in addition to the treason of which he is guilty and for which he should suffer death when his lord becomes free, the latter can lawfully seize all his possessions.

On the other hand, a lord who refuses to liberate his vassal from captivity in which he was held while in his service, where he has the power to do so without great injury to himself, as, for instance, by giving up all his property, or a large portion of it, or by lessening the dignity of his sovereignty; without considering the perfidy of which he is guilty; the vassal can abandon him for this reason, renounce his allegiance, go to some other lord, make war upon him, and be the cause of his destruction without incurring reproach. A friend also, who evinces great attachment to another but is unwilling to assist him to escape from captivity, after the latter is liberated, can be denounced by him in the presence of the king, and the proof of his baseness made manifest, and, moreover, if he has any property of his own, he should lose it. Where, however, any person belonging to the class of captives which we have mentioned dies in prison for want of ransom, then the king, or his representative, should take charge of all his property, and order it to be registered by the public notary, and sold at auction with the advice of the bishop, or of the prelate acting in his stead, and the funds obtained by the sale should be used for the ransom of captives, for the reason that his said property ought not to be inherited by those who permitted him to die in captivity, and who were able to ransom him, but refused to do so.

#### LAW IV.

##### **How the Property of Those in Captivity Should Be Protected, and Who Should Do This, and in What Way It Should Be Done.**

The property of captives should be well taken care of, so that, while they are in captivity, no one can deprive them of it either by force, fraud, or in any other way, except when it is taken to be employed for their own benefit; for anyone who disposes of it in any other manner should pay double the value of what he appropriated, in addition to the penalty for robbery which he should undergo, if he seized it by force, or that of a swindler if he acquired it through

fraud. And, although all persons are bound to take care of property of this description, it is especially the duty of the nearest relatives of the captive. This, however, is understood to be the case where they are prudent men and without suspicion, and do not desire the death of their relative in order to inherit his property, or wish him to remain for a long time in captivity so as to profit by the use of his possessions. When he has no such relatives, the king, or his representatives, should appoint some good men to take charge of his property and preserve it, so that it may not be lost, or diminished in value. Where the next of kin aforesaid are guilty of deceit, by not being willing to give the captives what they are entitled to, or by exacting more for their services than they ought, they must pay double the amount, and, moreover, lose their right to the inheritance of the said property; but where they are strangers they should simply make restitution, and surrender an equal amount of their effects. Relatives, as well as strangers, should be given charge of personalty of this kind in the following manner, to-wit: they should take an inventory of it in the presence of witnesses, the number and nature of the articles being stated in writing, in order that they may be able to draw up a schedule, and render an account of what disposition they have made of the same, whenever they are requested to do so. They should, moreover, cause the real estate to be repaired, cultivated, and kept in order, that its owner may derive an income from it; and the personal property should be so managed and invested that those to whom it belongs may receive some benefit from the same. Persons who permit property of this kind to be destroyed by not taking suitable care of it, shall surrender an equal amount of their own where the loss was the result of their own negligence. If they do not give a correct statement of what they receive, they should pay double the amount of the loss, and also be punished according to the nature of their act, whether it was theft, robbery, or fraud.

#### LAW V.

##### **For What Reasons the Property and Rights of Captives Should Not Be Lost Through Limitation of Time.**

The ancients deemed it proper that limitation of time, by whose operation they might lose their property and the rights to which they were entitled, should not cause any injury to those in captivity. For this reason, no one can acquire any claim to them, so long as the captives remain in the hands of the enemy, no matter how long a time he may have been in possession, for so long as the owner is a captive, no sale, exchange, or gift made to his prejudice, as stated in this Title, will be valid, and still less validity will the acts of those have who desire permanently to appropriate the property of the said captive.

Moreover, if the latter, after his release, should find anything belonging to him in the possession of another, who states that he obtained a title to it through limitation of time, he can demand it within the term of four years, and hold it according to law. These years should not be reckoned until the third day after he has arrived at his home, and should be counted from that date until four years have elapsed. If, however, he does not demand the said property within this period, he cannot afterwards make a lawful claim to it, except where the said captive was a minor under twenty-five years of age, for a person of this kind can claim and take possession of it until he attains his majority, and for four years afterwards; but if he does not demand it within this time he cannot subsequently do so, for the reason that it is evident that he lost it by negligence, or through disregard of his rights, or from not knowing how to assert them.

**LAW VI.****What Acts Should Not Be Valid, Although Men Perform Them While They Are in Captivity.**

Neither a will, nor a bequest made by men languishing in captivity shall be valid, and this is the case because as long as they are under the control of their enemies they are their slaves, and therefore neither a will, nor a bequest, nor any other act which they perform shall be valid; for if they had free power to do these things their lords would inflict such penalties upon them as would prevent them from making any others their heirs but those whom they ordered to be appointed. Hence, for these reasons, the ancients directed that no act done by persons languishing in captivity should possess any validity except in two instances; first, when those who have taken them prisoners desire to show them so much favor that they permit some of their relatives or other men to visit them, in whose presence they can make their wills or their bequests without any compulsion. The second is, when they are unable to make their wills freely, as above stated, and send word to their relatives, by some trustworthy person, how their property should be disposed of, either by selling or pledging it, in order to free them from captivity, or pay their debts, or fulfill their bequests; and whatever acts persons of this kind perform by their order and in their names, shall have the same validity as if they themselves had performed it. If, however, it should be proved that they committed fraud with regard to any of the said property, whether it be chattels or lands, they must pay double the value of the same, as well as surrender an equal quantity of their own possessions; and where they do not have the means to do this they should be put to death; for the reason that they have been guilty of covetousness and deceit while in charge of property belonging to those who trusted in their fidelity, and, moreover, because they were cruel, when they should have been merciful. Where any person made bequests or a will before being captured, and afterwards dies in captivity; or if he was liberated and did not revoke what he had bequeathed, or make some other disposition of it, his acts will be valid; and this is the case because at the time he performed them he had full power to do so.

**LAW VII.****What Rights Children, Born to Men While They Are in Captivity, Have in the Property of Their Parents.**

Where a woman was pregnant when taken captive, although she may be delivered in the enemy's country, and when a son or daughter born there is liberated, he or she should be put in possession of the property belonging to his or her father or mother, and enjoy in security all its rights to the same, just as if the said child had been born in the house of its parents. But where a husband and wife are captured together and, while in captivity, the wife becomes impregnated by her husband, and both together are afterwards freed from the power of the enemy, and their son or daughter along with them; the latter shall have their rights in all their property, just as if they had been begotten, or born in the country of Christians. When a child is liberated from captivity with its father or mother, it is to be considered the heir of the property of the one with whom it was set free, and all its rights to the same shall remain unimpaired. It has, however, no claim to the property of the parent remaining in captivity, except where the latter subsequently is freed from the hands of the enemy, and acknowledges the child.

There is another way in which the ancients approved of the inheritance of the property of a father by his child. This is the case when he who languishes in captivity loses all faith that those who were bound to do so will ever liberate him, and, in his anxiety to escape from prison has a child by some woman of an-

other religion, who gave him the promise to set him free; and if after this promise was given she keeps it, and departs with him, and her son or daughter, along with the mother, or without her, if he who thus escaped from prison, while it was in his power recognizes the child as his son or his daughter, converts it to his own faith, and shows that his heirs were unwilling to free him from captivity when they had the power to do so, and in what manner he escaped; then that child, and not the others, shall inherit his property.

#### **LAW VIII.**

##### **How and When the Heirs of Those Languishing in Captivity, Can Make Use of Their Property.**

It often happens that men die in captivity, and therefore the ancients established the rule that when his heirs at law knew with certainty that a captive was dead, from that time forth they could make use of his property and enjoy his rights, just as the deceased could have done, if he had lived and been liberated. This they did for a just reason, for as heirs are required to pay the debts and bequests of the person from whom they inherit; so it is proper that they should have the benefit of his property, and make use of it just as he himself could do if he were living. This, however, is understood to be the case where the heirs are not to blame for permitting their ancestor to die in captivity having the power to liberate him and refusing to do so, as we stated in other laws.

#### **LAW IX.**

##### **Those Who Are Captured Through Their Own Fault or Mistake, Should Not Enjoy the Exemptions Which Other Captives Do.**

When Christians abandon their lords or the country of which they are natives, to go to the assistance of men acknowledging another religion, and, while living with them, become embroiled with those whom they assist to such an extent that it becomes necessary to place them under restraint; or where others, with whom they are at war, capture them; the ancients did not consider it just that persons of this description should enjoy the same exemptions with regard to their property, as the other captives above mentioned. And, where the right to any of their said property is lost by limitation of time while they are captives, or if they should die in that condition, they did not deem it right that, on this account, their property could afterwards be recovered, but that they should rather forfeit all claim to it; just as if they, themselves, had been present and could have demanded it, but did not. The same rule applies to those who, without the order of the king or of their lords, voluntarily remain for a long period of time with the Moors, though they were not taken captive. Pious Christians of ancient times execrated an act of this character so greatly that they directed that where a Christian was taken prisoner while in the service of the Moors, although he could not be held as a captive, he could be sold at auction, just as if he had been a Moor, but that they could only dispose of him to Christians, and not to persons belonging to another religion. Moreover, they deemed it just that those who were able to defend themselves from their enemies, and did not make any effort to do so, but permitted themselves to be captured, should not enjoy the same exemptions as other captives do, as we have stated in former laws. They also ordered that this should apply to those who were released from captivity under oath to return on an appointed day for the purpose of carrying out agreements entered into with their lords, and, though having the power, did not attempt to exercise it.

**LAW X.****Fortified Places Conquered by the Enemy, and Afterwards Recovered by Their Original Owners, Should Be Placed in Their Former Condition.**

Empires, kingdoms, and other countries, frequently fall into the power of their enemies, being lost by those who are their natives, and come into the hands of strangers, who change the names of places, and remove boundaries, and make use of laws different from those which previously existed, and it subsequently happens that they are restored to the possession of those to whom they originally belonged; and, for this reason, the ancients declared such places to be captive, so long as those in whom they were rightfully vested were deprived of them. And they considered it just that after the owners had recovered them and delivered them from that captivity, they should be restored exactly to their original condition, just as they formerly were; and that, if their former owners desired to do so, they could claim the sovereignty of them as far as their ancient boundaries, as well as all other rights, and recover and hold said lands just as they did in the beginning, and that no limitation should run against them so as to cause them to lose those rights. This is understood to relate to territories of greater importance, to prevent them being diminished, or entirely dismembered; but where others of inferior extent and value are concerned, and their owners, within four years after their recovery, do not attempt to claim the right to their former possessions, they can lose them for all time, except where the party entitled to make the demand is not of lawful age; for, so long as this is the case, and for the term of four years afterwards, his right remains secure, and he can assert it if he desires to do so. We also decree that where any city, town, or other fortified place, which has been lost and recovered, as we have stated, desires to claim land within the term of four years, and its lord does not consent, so long as he is unwilling this cannot be done, nor will time run against said city or town, since it desisted from prosecuting the said claim by reason of its lord's command, but afterwards, when he gives his consent, it has the right to assert it.

**LAW XI.****What Right Those Have in Captives Who Give Security for Them, or Ransom Them.**

Where one man delivers another from captivity, although he may pay a certain sum of maravedis for him, or give some other portion of his own property, he has not, for that reason, the right to make use of him as a slave; but he can keep him under guard just as he would a pledge, on account of what he paid for him, and the other should not leave his custody, until he reimburses him, or serves him for at least five years, doing whatever he is told to do that is proper, considering his rank. If he should happen to escape from his control before the term of service has expired, or before he has refunded him the amount of his ransom, and subsequently be found; and it can be established by oral or written testimony, in the presence of the lord or the judge of that district, that the party rescued him from captivity and he did not serve him for his full time, or reimburse him for what he had expended in his behalf; then the official before whom this is proved should arrest him, and put him in the power of the party who claims him, and the latter is entitled to recover the expenses which he incurred while searching for him, and can make use of him, or compel him to repay whatever he has expended by way of ransom, as above stated.

**LAW XII.****For What Reasons Those Who Deliver Others from Captivity Should Not Demand of Them What They Pay by Way of Ransom.**

The ancient sages gave certain reasons why a man who delivered another from captivity, by paying a ransom for him, could not afterwards demand it of him, or make use of his services in any way. These reasons are five in number; first, where he who liberates the captive does so especially for the love of God, for he should have no other reward but this; the second reason is on account of piety, and is derived from the debt of nature, as when a father delivers his son, or any other of his descendants in the direct line, from captivity, or where a son liberates his father or his mother, or any other relative in the ascending line. The third is, because of the obligation of marriage, as where either a man or woman liberates the other from captivity, and afterwards marries him or her, or where a husband liberates his wife. The fourth is on account of an offence arising from wickedness, and this is the case where anyone rescues a woman from captivity, and afterwards lies with her, or consents that someone else should do so. The fifth reason arises from presumption, as where one person liberates another from captivity, and, during his lifetime, does not ask him to repay the amount given for his ransom. It is understood that this should be done within the period of one year after the ransom has been paid, for where a former captive dies after that time, and the other party has not previously made a demand for it in either court or outside of it, and afterwards attempts to collect it from his heirs, he will lose his right to the same, nor shall they be required to answer; for since he had time to claim the amount of the ransom paid for him, and declined to do so, it is presumed that he had no intention of ever demanding it.

## TITLE XXX.

### Concerning Redeemers of Captives, and What They Are Required to Do.

We have spoken exhaustively in the preceding Title of persons taken captive, and of their affairs, and we now desire to speak in this Title of those redeemers of captives who act as agents, and are faithful in interceding for them, and delivering them from captivity. We shall show what the word, *alfaqueeque*, means; what qualities those chosen for this purpose should possess; how they should be selected, and authority conferred upon them; who has power to do this; what things *alfaqueeques* should do and observe; what compensation they should receive when they perform their duties properly, and what penalties they shall suffer when they perform them ill.

### LAW I.

#### What the Word Alfaqueques Means, and What Qualities They Should Possess.

The word *alfaqueeque* means, in Arabic, men of good faith appointed for the ransom of captives, and these, as the ancients explained, should possess six qualities: first, they should be sincere, for from this they derive their name; second, they should be without covetousness; third, they should be as familiar with the language of the country to which they go as with their own; fourth, they should not cherish ill-will; fifth, they should be courageous; sixth, they should own property.

The first quality we mentioned, namely, that of sincerity, is something which is very appropriate to what they have to do, since if they are not sincere they will cause injury to both parties, to him who is desirous of being liberated from captivity, as well as to him who has him in his power; for each of them rests his hopes upon the candor which they believe that those dealing with them possess. When they are without covetousness, they pay more attention to the benefits to be derived by the captives than they do to their own advantage. When they are familiar with the language, they will understand what both parties say, and will be able to answer, and say to each what is fitting. They should not bear ill-will, for where they have a grudge against the captives, or their relatives or friends, they can very readily contrive to kill them, or compel them to endure severe punishment, or at least remain a long time in prison. Moreover, it is proper that they should be brave, in order not to hesitate to go to the place where the captives are, without fearing bad roads, or dangers of sea or land; and constantly bearing in mind all the benefits they confer, by liberating men from captivity, as we have stated in some of the laws of this Title.

It is also fitting that they should have some other qualities in addition to these; first, they should have a dread of doing wrong; second, they should fear if they do so, and abscond, that they will encounter those whose duty it will be to punish them, and who will compel them to return, in order to make reparation for the injuries received by the captives at their hands. And, above all the qualities which have been mentioned, it is necessary that they be men of piety, for if they are not they cannot keep their faith as we have above stated.



## LAW II.

**How Alfaqueques Should Be Created and Selected, Their Qualifications and Who May Appoint Them.**

*Alfaqueques* should be selected with great discrimination, since they have such a pious work to perform as that of redeeming captives. And they should not only be chosen for the reason that they are endowed with the qualities designated in the preceding law, but they must also come of families of good repute. Their selection must be made by twelve good men appointed by the king or his representative, or the council in whose vicinity those dwell who are to be made *alfaqueques*, and these should be acquainted with the character of the others, that they may declare truly on the Gospels, or in the hands of the king or of his representative, that the persons designated for this service possess all the qualities which we have mentioned in the preceding law.

After they have been chosen in this manner, they should swear that they will be faithful in all matters relating to the captives, promoting their advantage and avoiding everything to their injury, as far as lies in their power; and that they will not fail to do this, either on account of the affection or dislike which they may entertain towards any individual, or for the sake of any gift which may be tendered, or promised them.

After they have taken this oath, either the king, or his representative, or the principal men of the council where they live, or are created, may grant them permission, from that time forward, to act as redeemers of captives. They should then be given an open order, bearing the seal of him who vested them with authority, and also a pennon bearing the arms of the king, in order that they may travel safely while performing their duty. *Alfaqueques* should be created in this way, and whoever creates them in any other—or if they assume the power themselves—will commit a serious mistake, for which, in both these instances, the party implicated shall be punished according to the will of the king.

## LAW III.

**What Things Alfaqueques Ought to Observe After They Are Created; What Compensation They Should Receive When They Perform Their Duties Well; and What Penalty They Should Suffer When They Perform Them Ill.**

When a redeemer of captives performs his duties well and justly, he gains both the love of God and that of men, for which reason he ought to observe the rules which we mention here. First, he should bear the pennon of the king raised wherever he goes, in order to do honor to the lord who gave it to him, and that he may be recognized in every country in which he travels. Moreover, he should always journey by the best and most direct road, and not away from it, and he must camp beside it, if the night should not find him in a town. When he enters a town or a castle, whether in his own country or in that of the enemy, he should select a spot where he can remain in safety along with everything he takes with him; so that if the place is attacked he may not readily be deprived of his property, and the captives lose the money with which they were to be ransomed, and he himself be rendered liable to suspicion because it was lost through his fault. We also decree that every time *alfaqueques* are compelled to enter the enemy's country, they should draw up a schedule in which everything they take with them is registered, as well as its value and to whom it belongs, and this should be sealed with their seals, and left in the keeping of the principal judge of the district, in order if any of them should happen to be killed or robbed on the highway, it can be known

with certainty what was the value of the property they had with them, and to whom it belonged.

Moreover, they should be careful, when they meet any foraging troop of their own side to cause those professing the religion of their enemies, who delivered the captives to them, to turn aside from the road; and they should do this in order that the said enemies who accompany them may not be able to ascertain the destination of the raiding party so as to warn their friends. Besides all this, they should avoid carrying anything in the nature of merchandise from one country to the other, except solely such goods as are for the purpose of ransoming the captives. There are other rules which they should observe, as, where an *alfaunque* ransoms, of his own accord, a captive of his own religious faith either with money or something else which he gives for him, without stating a given time in which he must be repaid; and, although the captive may not be able to reimburse him promptly he must not, for that reason, leave him in the power of his enemies, but he should wait until he is able to pay him. This, however, is understood to apply to cases where he who has been rescued from captivity does not act in a malicious manner, having the means with which to pay him, but is unwilling to do so; for, where this can be proven, the party who ransomed him has a right to seize him and return him to the place where he rescued him; and we decree that this same rule shall apply to any captive ransomed by an *alfaunque*, with the understanding that he is able to be reimbursed within a given time, and the captive having the ability to pay, refuses to do so.

Wherefore, just as the *alfaunque*s, who observe these rules, as above stated, should be well rewarded on this account; so, on the other hand, those who do not do their duty should be punished, according to the offence which they have committed. This is the case where they cause some loss to the property of the captives, and are compelled to pay three times its value; or where they inflict any bodily injury upon them, as, for instance, that of death or mayhem, and are condemned to suffer the same themselves. We also decree that where they maliciously delay to liberate the captives, they themselves shall lie in prison for the same length of time that they had protracted the ransom of the captives aforesaid. Moreover, we decree that, when *alfaunque*s are good men and perform their duties well and faithfully, they should receive a liberal compensation from the king, or from the council of the locality where they were appointed; and, in addition to this, they should be highly honored and protected, because they perform works of piety which are for the common benefit of all.

## **TITLE XXXI.**

### **On Schools Where the Sciences Are Learned, and Concerning Masters and Pupils.**

We have spoken with sufficient detail in the preceding Titles, of the manner in which the king and the people should love and protect the country in which they live, by providing it with inhabitants, and defending it from the enemy. And, for the reason that men, lands, and kingdoms, may be protected, profited and guided by learned men and their advice, we desire, at the conclusion of this Partida, to speak of studies, and of masters and scholars who employ themselves in explaining and teaching the sciences. We shall explain, in the first place, what study is; also, who those teachers should be who have schools for studies; where they should be established, and what privileges and honors masters and scholars who daily read and learn should have. Afterwards we shall speak of booksellers who have charge of books, and also concerning men and matters which relate to study in general.

#### **LAW I.**

##### **What a School Is, How Many Kinds There Are, and by Whose Command It Should Be Established.**

A school is a union of masters and scholars, established in some locality with the will and design of teaching the sciences. There are two kinds of these; first, a general school, where there are masters of arts, as, for instance, of grammar, logic, rhetoric, arithmetic, geometry, and astrology, and also where there are masters of ordinances, and lords of laws. This school should be established by order of the pope, the emperor, or the king. The second kind is called a special school, which means one in which a master gives instruction to a few scholars in some town apart, and a school of this kind can be established by the order of a prelate, or the council of any locality.

#### **LAW II.**

##### **In What Place a School Should Be Established, and How the Masters and Pupils Should Be Secure.**

The town where it is desired to establish a school should have pure air and beautiful environs, in order that the masters who teach the sciences and the pupils who learn them, may live there in health, and rest and take pleasure in the evening, when their eyes have become weary with study. It should, moreover, be well provided with bread and wine, and good lodging houses, in which the pupils can live and pass their time without great expense. We declare that the citizens of the town where a school is situated, should carefully protect its masters and pupils and everything belonging to them, and that no one should arrest or hinder the messengers who come to them from their homes, on account of any debt that their parents, or any others of the countries where they are natives, may owe. We also declare that no wrong, dishonor, or violence should be shown them on account of any enmity or grudge which any man may entertain against the said pupils or their parents. For which reason we order that the masters and pupils, and their messengers, and all their property, be secure and free from molestation, while going to the schools, while there, and while returning to their homes, and we grant them this security in all the towns of our dominions.

Whoever violates this law, by taking their property by force, or by robbing them, shall pay four times the value of what is stolen, and where anyone wounds, dishonors, or kills any of them, he shall be punished without mercy, as a man who violates our truce, and the security which we have granted. And if the judges before whom a complaint of this kind is made are negligent in rendering the parties justice, as above stated, they shall pay the amount aforesaid out of their own property, and be dismissed from office as infamous persons. Where they act in a malicious manner towards the pupils, refusing to punish those who dishonored, wounded, or killed them, then the officers who acted in this manner shall themselves be punished according to the will of the king.

### **LAW III.**

#### **How Many Masters There Should Be in a General School, and at What Times Their Salaries Should Be Paid.**

For a general school to be complete, there should be as many masters to teach them as there are sciences, so that each may have at least one teacher. Where, however, there cannot be teachers for all the sciences, it will be sufficient if there is one to teach grammar, one for logic, one for rhetoric, and one for laws and ordinances. The salaries of the teachers should be fixed by the king, through his designating exactly what each one shall have, dependent upon the science he teaches, and in proportion to his knowledge of it. The salary to which each of them is entitled should be paid at three different periods; one-third when the pupils begin their studies; one-third at Easter; and one-third on the festival day of St. John the Baptist.

### **LAW IV.**

#### **In What Way Masters Should Teach Pupils the Sciences.**

Masters should teach pupils the sciences well and faithfully, by reading books on them, and explaining them to the best of their ability; and after they begin to read them, they should continue until they have finished the books that they commenced. So long as they are well they should not appoint others to read in their stead, except where some of them may direct another to read at a certain time, in order to show him honor, but not to avoid the trouble of reading. If any teacher should happen to fall ill, after study has begun, and his sickness proves to be so serious and so long that he cannot teach at all, we decree that his salary should be paid him, just as if he had done so; where he dies of his illness, his heirs are entitled to his salary just as if he had taught for the entire year.

### **LAW V.**

#### **In What Places Schools of Masters and Pupils Should Be Located.**

General schools should be located in a place apart from the town, and near one another, in order that the pupils who have a desire to learn rapidly may be able to take two or more lessons if they desire to do so, and can inquire of one another concerning matters of which they are in doubt. The different schools should, however, be so separated that the teachers may not be disturbed by some of them hearing the others read. Moreover, we declare that pupils should be careful that other pupils do not rent the houses or lodgings in which they dwell, so long as they live there and desire to remain. Where, however, a pupil learns that another has not the intention of remaining longer in the house which he occupies, than the term for which he has

rented it, and he himself desires to occupy it, he should ask the other pupil if he intends to remain there longer than that term, and if he says that he does not, he can then rent it for himself, but in no other way.

## LAW VI.

### Teachers and Pupils Have the Power to Form a Union and Brotherhood Among Themselves, and to Select One Who May Punish Them.

The ancient sages forbade the establishment of unions and brotherhoods composed of many men in towns and kingdoms, for the reason that they are productive of more evil than good. However, we consider it right for teachers and pupils to form a union in a general school, in order that they may be brought together, with the intention of doing good, and for the reason that they are strangers, and from separate localities. Wherefore, it is proper for them lawfully to assemble whenever it is necessary, for the decision of matters pertaining to the advantageous prosecution of their studies, and for the protection of themselves and their property. They have, moreover, authority to choose a superior over all of them, who is called, in Latin, the *rector* of the school, and whom they should obey in all things that are reasonable, fitting and just. It is the duty of the *rector* to punish and restrain the pupils from organizing factions, or fighting with the men of the towns where the schools are situated, or among themselves, and they should avoid in every way causing dishonor or wrong to anyone. He should forbid them to go about at night, and order them to remain quiet in their lodgings, and exert themselves to study and learn, and live an honest and upright life; for schools were established for this purpose, and not for pupils to go about armed by night and by day, passing their time in strife, or committing some other folly or wickedness, to the injury of themselves and the disturbance of the towns in which they live. Where they violate this law, our judge should punish them, and so admonish them that they may avoid evil, and act in a proper manner.

## LAW VII.

### What Judges Should Sit in Judgment on Pupils.

Masters, who teach the sciences in schools, have jurisdiction over their pupils in order to decide the claims which they have against one another and such others as men assert against them: (except in matters involving the shedding of blood), and no claim should be enforced against them, nor should they be brought before any other judge, without the consent of their masters. But where a person, not a pupil, desires to summon a pupil before his master, the latter has the choice of answering either there, or before the bishop of that diocese, or before the judge of a court, whichever he prefers. But, where a pupil has a claim against someone who is not a pupil, he then should demand justice before someone who has authority to use compulsion upon the person summoned.

We decree, moreover, that when a pupil is summoned before the judge of a court, and does not claim his privilege by declaring that he should not answer except before his master or the bishop, as above stated, and answers the summons unreservedly, he forfeits his privilege, so far as those matters concerning which he made answer are concerned, and the suit should be prosecuted until it is decided by the judge before whom it was begun. But where the pupil desires to take advantage of his privilege, before he answers the summons, by stating that he is unwilling to, and should not answer, except before his master, or the bishop, and he is compelled to do so, and answers the

complaint; then he who had the claim against him must lose, for this reason, all his rights to the property in question. The judge who employed compulsion against him in this manner shall be punished for it according to the will of the king; except where the complaint involves the execution of the sentence of death, or the shedding of blood, and was instituted against the pupil who is a layman.

### **LAW VIII.**

#### **What Particular Distinctions Masters of Laws Should Have.**

The science of law is, as it were, the fountain of justice, and the world is more benefited by it than by any other. For this reason the emperors who made laws granted privileges of four kinds to schoolmasters. First, that as soon as they are appointed they be styled Masters and Gentlemen, and receive the title of Lords of Laws. The second is, that every time that a master of law comes into the presence of a judge, in open court, the latter should rise and salute him, and invite him to be seated beside him; and where a judge acts in a contrary manner, the law establishes as a penalty that he must pay the master three pounds of gold. Third, that the doorkeepers of emperors, kings, and princes should not close the door against them, or prevent them from entering the royal presence, whenever it is necessary, excepting at times when matters of great secrecy are being discussed; and even then they should announce that there are certain masters at the door, and ask whether they shall permit them to enter or not. The fourth is, that they should be keen and intelligent, and be able to explain the science which they teach, and be prudent and of good habits; and after they have taught in schools of law for twenty years, they have the right to be styled counts, and since the law and the emperors were willing to confer such an honor upon them, it is fitting that the king should continue to grant them the same dignity; hence, for this reason, we deem it proper that the masters aforesaid, in all our dominions, shall enjoy the above named distinction, just as was directed by the ancient law. Wherefore we decree that the above mentioned masters, and others who teach the sciences in schools throughout our entire dominions, shall be exempt from taxes, and not be required to join the army, or any foraging party, or perform any other duty, against their will.

### **LAW IX.**

#### **How a Pupil Who Desires to Become a Master Should Be Examined Before He Is Licensed.**

A student who desires to obtain the dignity of master must previously be a pupil. And, after he has taken a thorough course of study, he should appear before the principals of the schools who have the power of granting licenses for this purpose. Before they grant a license to anyone they should make a secret investigation, and ascertain if he who asks for it is a man of good reputation, and of good habits, and he should also read some selections from the books of the science which he desires to teach. If he has a competent understanding of the text and the commentary on the said science, a clear style, and a ready command of language to explain it, and, without hesitation, answers the questions and interrogatories put to him, the honor of master should be publicly conferred upon him, he having first sworn to teach well and faithfully his branch of science, and that he neither gave, nor promised to give anything to those having authority to grant him a license, nor gave anything to any other person for them, to induce them to grant him the power of being master.

**LAW X.****How All the Pupils Belonging to a School May Have a Messenger Called a Beadle, and What His Duties Are.**

The pupils of a university, should have their messenger called, in Latin, *bidellus*. His duty is to go through the schools and announce the festival days, by order of the principal of the university, and if any of the students desire to sell or purchase books, they should tell him so. In this manner he should go about, proclaiming and stating that anyone who desires to buy such-and-such books must repair to a certain locality where they are to be found; and after he learns who wishes to sell, and who wishes to buy them, he should conduct his business of brokerage between the parties in a faithful manner. The beadle also makes announcement for the students to assemble at some designated place to examine and regulate matters for their common good, or for the examination of pupils who desire to be teachers.

**LAW XI.****General Schools Should Have Booksellers, to Keep Book Stores for the Purpose of Furnishing Copies.**

Every general school, in order to be complete, must have booksellers, who should keep in their stores books which are good and legible, and accurate both in text and in commentary, to be rented to pupils, to make new ones from, or to correct those which are already written. No one has the right to keep a shop, or place of this kind, without the permission of the rector of the university, and the latter, before he issues a license for this purpose, should first cause an examination to be made of the books belonging to him who desires to open the store, in order to ascertain whether they are good, legible, and genuine. Where anyone is found not to possess such works, the rector should not give his consent for him to be a bookseller, or permit him to rent books to the pupils, unless they have previously been corrected. Moreover, the rector should decide, with the advice of the school, how much the bookseller should receive for each book which he furnishes the pupils for the purpose of copying, or correcting their own books, and he should also require adequate security from the bookseller, binding him to take diligent and faithful care of all volumes given him to be sold, and not to commit fraud of any description.

END OF THE SECOND PARTIDA.

